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## States Side Story: Career Paths of International LL.M. Students, or “I Like to Be in America”

Carole Silver

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## STATES SIDE STORY: CAREER PATHS OF INTERNATIONAL LL.M. STUDENTS, OR “I LIKE TO BE IN AMERICA”

Carole Silver\*

*This Article draws on an empirical study of the careers of international law graduates who earned an LL.M. in the United States, and considers the role of a U.S. LL.M. as a path for building a legal career in the United States. It identifies the institutional, political, and economic forces that present challenges to graduates who attempt to stay in the United States. While U.S. law schools prize the international diversity of their graduate students, this study reveals that the U.S. legal profession is most accessible to international students from English-speaking common law countries, whose language and background allow them to blend into the U.S. legal profession because their “foreignness” is less evident than students without these characteristics. International law students also are the topic of the companion article by Swethaa Ballakrishnen that follows, in which the experience of international law students who return to their home country of India is presented as a contrast. Together, these articles offer insight into the different barriers that shape entry and access into legal markets, and suggest implications for the way we understand international credentialism and the global legal profession.*

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\* With apologies to Arthur Laurents, Leonard Bernstein, Stephen Sondheim, and Jerome Robbins. The quotation in the title is taken from STEPHEN SONDHEIM, *America, on WEST SIDE STORY* (MGM 1961). Professor of Law, Indiana University Maurer School of Law. My deepest thanks to the many international law graduates and lawyers who participated in this research for their willingness to share their experiences, time, and reflections. Sincere thanks also to Fred Aman, Swethaa Ballakrishnen, Mariana Craciun, Shari Diamond, Liora Israel, Jayanth Krishnan, Mindie Lazarus-Black, Sida Liu, Beth Mertz, Ethan Michelson, John O'Hare, Gabriele Plickert, Mitt Regan, Joyce Sterling, Susan Shapiro, Jeff Stake, Laurel Terry, Rachel Vanneuville, organizers and participants at the Fordham University School of Law's colloquium on Globalization and the Legal Profession, and members of the American Bar Foundation community (where the work was presented in an earlier form) for comments on earlier drafts, thoughtful questions, and discussions; to Jeeyoon Park for excellent research assistance, to Nicole De Bruin Phelan, Christian Pangilinan, and Sarah Babbitt for assistance on earlier and related versions of this project; and to support provided by staff at Georgetown University Law Center and Northwestern University Law School for transcribing the interviews. This study received funding from the Law School Admission Council (LSAC). The opinions and conclusions contained in this Article are those of the author and do not necessarily reflect the position or policy of LSAC. Additional support was provided by Indiana University Maurer School of Law, Georgetown University Law Center's Reynolds Family Grant, and Northwestern University Law School. The interviews cited in this Article were conducted by the author on a confidential basis. The author has confirmed the accuracy of the interviewees' statements.

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## INTRODUCTION

U.S. law schools have been welcoming increasing and substantial numbers of international law students<sup>1</sup> for at least fifteen years.<sup>2</sup> For most international students, the typical U.S. law school path is through a one-year course of study leading to an LL.M. degree. Students earn their first degree in law in their home country before coming to the United States, and the LL.M. serves as an add-on, a taste of sorts of the world of international lawyering and legal education.<sup>3</sup> Many international students also have satisfied the requirements to qualify to practice at home before beginning their U.S. legal studies, and it is not uncommon for international students to have practiced law or worked in a law-related job for several years. As a consequence, their presence in U.S. law schools brings a rich diversity, both culturally and in terms of experience, to the school and potentially the classroom, and offers American J.D. students the chance to learn to work

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1. In this Article, the terms “international law student,” “international LL.M. student,” “international law graduate,” “international LL.M. graduate” and “LL.M.” all refer to graduates of U.S. law school LL.M. or M.C.L. programs. Their crucial characteristics are: (1) that they earned their first degree in law outside of the United States, and (2) that they are enrolled in a U.S. law school degree program that is distinct from the three-year J.D. program.

2. See generally Carole Silver, *Internationalizing U.S. Legal Education: A Report on the Education of Transnational Lawyers*, 14 CARDOZO J. INT’L & COMP. L. 143 (2006) [hereinafter Silver, *Internationalizing Education*]; Carole Silver, *Winners and Losers in the Globalization of Legal Services: Situating the Market for Foreign Lawyers*, 45 VA. J. INT’L L. 897 (2005).

3. See Carole Silver, *The Variable Value of U.S. Legal Education in the Global Legal Services Market*, 24 GEO. J. LEGAL ETHICS 1, 53–54 (2011).

with individuals from other countries without leaving the United States<sup>4</sup>—an important opportunity in today’s global environment.

How has the presence of international law students in U.S. law schools affected the composition of the legal profession in the United States? Has the U.S. market for lawyers mirrored the approach of U.S. law schools in welcoming international LL.M. graduates? And have corollary factors shaping practice opportunities, such as bar qualification, been similarly receptive to international participants? This Article addresses these questions by drawing on an empirical research study investigating the experiences of a group of international graduates who settled in the United States after earning their LL.M. degrees between 1996 and 2000. It explores their characteristics, credentials, experiences, and choices, as well as the institutional, political, and economic forces that have shaped their opportunities.

The stories of international law graduates who stayed (or tried to stay) in the United States make clear that this is an arduous path for many. Challenges stem both from the characteristics of the LL.M. degree in contrast to the foundational J.D. path of legal education in the United States (involving three years of post-graduate study) and from the consequences of being from another country and all that entails. In addition, institutional, political, and economic forces combine to form substantial roadblocks to those wanting to stay, which may in time weaken the competitiveness of U.S. law schools in the market for international law students.<sup>5</sup> Generally, the data show that success in creating career options in the U.S. legal profession favors those who hail from English-speaking common law (ESCL) countries, who resemble Americans in terms of legal culture and language. This suggests that the United States risks missing important opportunities to engage with an increasingly globalized economy. As globalization advances into markets previously considered emerging or marginal, shifting economic and political power beyond the borders of the ESCL world, the U.S. market for law and lawyers may be left behind if it fails to broaden its embrace.

Part I begins with a brief overview of the growth of the international law student population in the United States, and then describes the scope and methodology of the study of international LL.M.s, which gathered data from 360 graduates of eleven U.S. law schools through a survey and follow-up interviews. Part II analyzes the data to consider which international LL.M.s are successful in staying in the United States, and identifies patterns revealing those characteristics and credentials favored by the U.S. market for lawyers. The forces shaping the efforts of these students, including challenges stemming from the positions of U.S. law

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4. See LAW SCHOOL SURVEY OF STUDENT ENGAGEMENT, NAVIGATING LAW SCHOOL: PATHS IN LEGAL EDUCATION 14–15 (2011) (reporting on the limited success of U.S. law schools in developing internationally integrated student bodies).

5. See Larry E. Ribstein, *Practicing Theory: Legal Education for the Twenty-First Century*, 96 IOWA L. REV. 1649, 1670–72 (2011) (“The United States’ continued success as legal educator to the world depends on how well U.S. law schools can compete in a dynamic global market.”).

schools, bar regulators, immigration policies, the job market, and other factors, as well as the most common influences motivating the students' decisions about staying, are considered in Part III. Finally, the conclusion suggests considerations for U.S. law schools, among others, aiming to maintain their competitiveness as participants in global legal education.

I. STUDYING INTERNATIONAL LAW STUDENTS:  
EMERGING TRENDS AND UNANSWERED QUESTIONS

A. *International LL.M.s as a Growth Industry*

In most countries, the education of lawyers has been a national affair, often resulting from collaboration between the state, the academy, the regulatory arm of the bar or judiciary, and the market for lawyers. The state and the professional regulatory apparatus recognize entry credentials, often including one or more examinations. University—or, less often, graduate-level—education is a near-universal requirement,<sup>6</sup> and recognition of these combined credentials by the market for lawyers gives rise to an alliance that operates within national boundaries on a relatively stable basis. It has been common for those credentials recognized as necessary to enter the legal profession to be under the complete control of institutions within a single nation.

Globalization is challenging this national control.<sup>7</sup> Law graduates from one country now regularly seek additional education in another, which in turn complicates the recognition of sufficiency of entry qualifications.<sup>8</sup> In many settings, such “international” legal education is necessary to reach the height of the profession in private practice, as a signal of achievement

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6. But there are important exceptions, including, until recently, Japan and Korea, which traditionally preserved a path to qualification for those who completely avoided university studies. Roh Moo-Hyun, elected President of Korea in 2002, was “a human rights lawyer without a university education.” Tom Ginsburg, *Introduction: The Politics of Legal Reform in Korea*, in LEGAL REFORM IN KOREA 6 (Tom Ginsburg ed., 2004). See generally Yoon Dae-Kyu, *The Paralysis of Legal Education in Korea*, in LEGAL REFORM IN KOREA, *supra*, at 36, 37 (discussing reform in Korea); Mayumi Saegusa, *Why the Japanese Law School System Was Established: Co-optation as a Defensive Tactic in the Face of Global Pressures*, 34 L. & SOC. INQUIRY 365 (2009).

7. See generally Saskia Sassen, TERRITORY, AUTHORITY, RIGHTS 2–3 (2006) (“Both self-evidently global and denationalizing dynamics destabilize existing meanings and systems. This raises questions about the future of crucial frameworks through which modern societies, economies, and politics (under the rule of law) have operated: the social contract of liberal states, social democracy as we have come to understand it, modern citizenship, and the formal mechanisms that render some claims legitimate and others illegitimate in liberal democracies. The future of these and other familiar frameworks is rendered dubious by the unbundling, even if very partial, of the basic organizational and normative architectures through which we have operated, especially over the last century. These architectures have held together complex interdependencies between rights and obligations, power and the law, wealth and poverty, allegiance and exit.”).

8. On bar admission, see Silver, *supra* note 3, at 29 (“The sole distinction of the U.S. LL.M. compared to similar post-graduate degrees offered in other common law jurisdictions . . . relates to bar eligibility in the United States.”). See also *infra* note 131 and accompanying text.

beyond the “merely” national.<sup>9</sup> In the world of high fees and cutting-edge legal problems, national is not enough; legal issues, clients, regulations, and money often have a cross-border element, making lawyers with some exposure to another jurisdiction’s way of approaching lawyering more attractive as a representative and agent.

Not all “international” is equal in this regard, however. There is a preference for lawyers trained in ESCL countries, relating to, among other factors, the historic strength of Anglo-American commercial and financial markets, law, and lawyers in international business. As a result of this partiality, the United States is one of several ESCL jurisdictions preferred by international law graduates as a site for further education.

The attractiveness of U.S. legal education is not simply about what happens within U.S. law schools, but also about the ways in which graduates of U.S. law schools contribute to the success of industry, ideas, and innovation in the global economy. It stands to reason that the ability of U.S. legal education to maintain its priority position for international students depends upon the collaboration of the elite of the U.S. bar—whose international prestige lends power to the U.S. legal profession—with U.S. law schools, bar authorities, immigration regulations, and other forces that define the credentials necessary for practice and the opportunities for exercising those credentials.

International students increasingly are an important part of the law student population in the United States. They constitute nearly all of the applicants for many law schools’ one-year LL.M. programs.<sup>10</sup> In addition, the growth of a small industry to support international LL.M. candidates is evidence of their significance and stability in the marketplace of U.S. legal education. Advisors to students who are selecting a U.S. law master’s-level program provide marketing outlets for schools seeking to attract

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9. But see Swethaa Ballakrishnen, *Homeward Bound: What Does a Global Legal Education Offer the Indian Returnees?*, 80 FORDHAM L. REV. 2441, 2475–76 (2012) (describing how international legal education may be a liability in India in certain circumstances).

10. At least 114 law schools offer LL.M. or similar one-year programs that likely fall into this group. The American Bar Association Section of Legal Education and Admissions to the Bar gathers information from approved law schools about their degree programs, including one-year graduate level programs such as the LL.M. and M.C.L. See *Post J.D. Programs by Category*, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, [http://www.americanbar.org/groups/legal\\_education/resources/llm-degrees\\_post\\_j\\_d\\_non\\_j\\_d/programs\\_by\\_category.html](http://www.americanbar.org/groups/legal_education/resources/llm-degrees_post_j_d_non_j_d/programs_by_category.html) (last visited Apr. 21, 2012) [hereinafter *Post J.D. Programs by Category*]. The site lists fifty-five schools as offering “U.S. Legal Studies Programs for Foreign Lawyers or International Students.” The list does not include all schools with such programs, however. Combining these fifty-five schools with those offering programs in the following categories yields 114 schools with programs that likely are aimed at international students: U.S. Law/U.S. Legal System, International Law/International Legal Studies/Comparative Law/Transnational Law, General, Comparative Law/Comparative Legal Studies/Comparative Legal Thought, American Legal Studies, American Law, Advanced Legal Studies. In addition, many schools have multiple degree programs in this category. On LL.M. programs generally, see Silver, *Internationalizing Education*, *supra* note 2.

international students.<sup>11</sup> A new bar preparation firm is dedicated to preparing international LL.M. students to pass the New York bar examination; traditional bar preparation enterprises also offer special services for international LL.M.s.<sup>12</sup> As further evidence of the growing presence of international participants in these programs, nearly 30 percent of the individuals who sat for the New York bar examination in 2011 obtained some portion of their legal education outside of the United States.<sup>13</sup> At least three job fairs are organized each year by U.S. law schools for the purpose of bringing together international students and potential employers.<sup>14</sup> Perhaps most telling, even the Law School Admission Council (LSAC) recently began coordinating international LL.M. student admissions.<sup>15</sup> Nevertheless, despite the routinization of application, advisory, and placement processes seemingly represented by this growth of LL.M. services, international LL.M. graduates face multiple challenges to participating in the principal goal of U.S. legal education: to produce members of the U.S. legal profession.<sup>16</sup>

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11. See, e.g., *Master of Laws Programs Worldwide*, LL.M. GUIDE, <http://www.llm-guide.com/> (last visited Apr. 21, 2012); LLMSTUDY.COM, <http://www.LLMstudy.com> (last visited Apr. 21, 2012) (offering two scholarships for LL.M.s); LLMSTUDIO.COM, [http://www.llm-studio.com/LL.M\\_Studio/Home\\_.html](http://www.llm-studio.com/LL.M_Studio/Home_.html) (last visited Apr. 21, 2012); Jill Schmieder Hereau, *From the Editor*, ILSA Q., Feb. 2010, at 4–5 (“Each year, the February issue of the *ILSA Quarterly* features LL.M. programs offered at law schools around the globe.”).

12. See KAPLAN B. REV., <http://www.kaptest.com/Bar-Exam/Home/index.html> (last visited Apr. 21, 2012) (follow “Bar Review Courses” link revealing an option for New York and California LL.M. prep courses); LL.M. B. EXAM, <http://www.llmbarexam.com> (last visited Apr. 21, 2012) (“LL.M. BAR EXAM is the first and only live review course, designed specifically for LL.M. Students, to prepare for The New York State Bar Examination. The LL.M. BAR EXAM method is structured around the individual needs of the LL.M. Student and guarantees to successfully guide you from the early stages of review through the Bar Examination. Guaranteed to Pass: LL.M. BAR EXAM is confident that you will pass the Bar Examination. LL.M. BAR EXAM guarantees your success with a full money-back guarantee.”).

13. NAT’L CONFERENCE OF BAR EXAMINERS, 2011 STATISTICS 10–11 (2011). NCBE statistics report that foreign-educated applicants comprised 7.1 percent of all bar exam test-takers in the United States in 2011. *Id.*

14. See, e.g., *International Student Interview Program*, N.Y.U. SCH. L., <http://www1.law.nyu.edu/depts/careerservices/isip/> (last visited Apr. 21, 2012); *Overseas-Trained LL.M Student Interview Program*, COLUM. L. SCH., [http://www.law.columbia.edu/careers/career\\_services/llminterviewprogram](http://www.law.columbia.edu/careers/career_services/llminterviewprogram) (last visited Apr. 21, 2012); *West Coast International LL.M. Job Fair*, UCLA SCH. L., <http://www.law.ucla.edu/career-services/employers/on-campus-interview-programs/Pages/west-coast-international-llm-job-fair.aspx> (last visited Apr. 21, 2012).

15. See, e.g., *LLM/Graduate Law Program Guide*, LSAC, <http://www.lsac.org/LLM/Choose/LLM-program-guide.asp> (last visited Apr. 21, 2012). LSAC administers the LSAT and application procedures for J.D. programs. Its entry into international LL.M. application processes is new, and it identified 114 U.S. law schools for international applicants to LL.M. programs as of February 25, 2012. *See id.*

16. See generally SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2011–2012, at viii (2011), available at [http://www.americanbar.org/content/dam/aba/publications/misc/legal\\_education/Standards/2011\\_2012\\_standards\\_and\\_rules\\_for\\_web.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2011_2012_standards_and_rules_for_web.authcheckdam.pdf) (“The Standards for Approval of Law Schools of the American Bar Association are founded primarily on the fact that law schools are the gateway to the legal profession. They are minimum requirements designed, developed, and implemented for the purpose of advancing

### B. Research Foundation and Methodology

In order to learn more about these issues, I embarked several years ago on a study to investigate the careers of international students who had earned an LL.M. from a U.S. law school, and the role that their U.S. legal education played in their professional development. Apart from this study, reliable data on this population remain scarce. The American Bar Association Section of Legal Education and Admissions to the Bar, which probably gathers more information on law students and other aspects of legal education than any other organization, has not focused its data-gathering efforts on LL.M. students, likely because the LL.M. degree is not accredited by the Section.<sup>17</sup> The Institute for International Education (IIE), which reports on international student mobility, reported that the number of international students studying law was 3,464 in 1995–96,<sup>18</sup> 4,656 in 1997–98,<sup>19</sup> and 5,763 in 1999–2000.<sup>20</sup> IIE reported that 8,965 international students studied “Legal Professions and Studies” in 2009–10.<sup>21</sup> Little additional information is available through IIE about law students, however.<sup>22</sup> Consequently, I designed this study to generate a representative sample of students, both to fill these gaps and in order to shed light on whether the popular press accounts of LL.M.s as elite “rulers of the world”<sup>23</sup> represented reality. To this end, I recruited eleven U.S. law schools<sup>24</sup> to share their records for LL.M. graduates from three years:

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the basic goal of providing a sound program of legal education. Consistent with their aspirations, mission and resources, law schools should continuously seek to exceed these minimum requirements in order to improve the quality of legal education and to promote high standards of professional competence, responsibility and conduct. The graduates of approved law schools can become members of the bar in all United States jurisdictions, representing all members of the public in important interests.”).

17. Compare this with information gathered by the American Association of Medical Colleges on foreign students enrolled in medical school. See *Facts: Applicants, Matriculants, Enrollment, Graduates, MD/PhD, and Residency Applicants Data*, ASS’N AM. MED. CS., at tbl.31 (updated as of Feb. 7, 2012), <https://www.aamc.org/download/160146/data/table31-enrll-race-sch-2011.pdf> (reporting that approximately 2.0 percent of enrolled medical students in 2011 identified themselves as foreign nationals).

18. INST. OF INT’L EDUC., OPEN DOORS REPORT ON INTERNATIONAL EDUCATION EXCHANGE 1948–2000 (2009), at 102–03 tbl.9.0 [hereinafter OPEN DOORS 1948–2000] (Foreign Students by Field of Study, 1994/95–1995/96).

19. *Id.* at 64–65 tbl.6.0 (Foreign Students by Field of Study, 1996/97–1997/98).

20. *Id.* at 52 tbl.16 (Foreign Students by Field of Study, 1998/99–1999/00).

21. INST. OF INT’L EDUC., OPEN DOORS REPORT ON INTERNATIONAL EDUCATION EXCHANGE 2010, at 77 tbl.16 (International Studies by Field of Study, 2008/09–2009/10).

22. For information on IIE’s reporting categories, see *Open Doors Data: International Students: Fields of Study, 2009/2010–2010/2011*, INST. INT’L EDUC., <http://www.iie.org/Research-and-Publications/Open-Doors/Data/International-Students/Fields-of-Study/2009-11>.

23. See Michael D. Goldhaber, *They Rule the World: One-Year LL.M. Programs at U.S. Law Schools Are on the Rise Again, Attracting Fledgling Power Brokers from Around the World*, AM. LAW., Sept. 2005 (“A recent class of entering students [in Columbia University Law School’s LL.M. program] included the general counsel of Haiti’s Central Bank and the dean of Mozambique’s law school, as well as senior advisers to the Guatemalan Truth Commission and to New Zealand’s Ministry of Maori Affairs. Lawyers like these are unstoppable when armed with another degree.”).

24. Using law schools as the point of entry to LL.M.s created problems with respect to the accuracy of contact information received from law schools, but it was the only strategy



1996, 1998, and 2000.<sup>25</sup> These years were chosen in order to increase generalizability of the findings by accounting for changes in the U.S. market for lawyers and law school enrollment,<sup>26</sup> differences in the popularity and intensity of interest in particular home countries,<sup>27</sup> differences in political and immigration policies, and changes in the “hot

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for generating a sample of graduates of this population that would allow insight into the relative role of U.S. law school reputation, home country, and pre-LL.M. work experience, among other things. Other surveys of new law graduates have used different sampling approaches and bypassed law school records, including the *After the JD* research project. See NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 89–90 (2004) (describing the sampling methodology); *infra* note 79 and accompanying text.

25. Law schools were considered for participation if they had a graduating class of international LL.M. students in each of the three years of the study. Among these, schools were selected based upon diversity with regard to location, institutional affiliation, and *U.S. News & World Report* ranking. In addition to the eleven schools that provided alumni contact information to me, seven schools sent the survey to their graduates or referred to it in a newsletter sent to LL.M.s. Respondents from these seven schools are not included in the quantitative data reported here, but nine are interviewees. For more information on the survey results, see Carole Silver, *Agents of Globalization in Law: Phase I*, LSAC RESEARCH REPORT SERIES (Mar. 2009), available at <http://www.lsac.org/lisacresources/Research/GR/GR-09-01.pdf>.

26. The market for lawyers was on an upswing beginning in 1996, rebounding after the early 1990s. See John E. Morris, *Weil Gotshal's Generation Gap*, AM. LAW., Dec. 1995, at 110. 1998 was a boom year for hiring. See A.J. Noble & David Marcus, *Bar Talk: Dining the Deans*, AM. LAW., Sept. 1998, at 54 (“The sessions are an acknowledgment that, in this vibrant job market, even the most elite firms must sell themselves by reaching out to schools. Davis Polk, for example, drew its summer class of associates from 24 schools.”). By late 2000, the tech bubble had burst, and jobs for law graduates were becoming very competitive. See Steven Andersen, *Hot Practice, Cool Economy: Intellectual Property Weathers the Recession*, CORP. LEGAL TIMES, Oct. 1, 2003; Marcia Coyle, *The Attorney, Unemployed*, N.Y. L.J., Apr. 4, 2003 (“This bad job market began in the summer of 2001, when Palo Alto, Calif., powerhouse Cooley Godward cut 85 lawyers.”). On law school enrollment trends, see *Enrollment and Degrees Awarded 1963–2010*, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/stats\\_1.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/stats_1.authcheckdam.pdf). Law school and graduate school enrollment once again are in decline, which may well lead to greater reliance on international students. See Audrey Williams June, *New Graduate-Student Enrollment Dips for First Time in 7 Years*, CHRON. HIGHER EDUC. (Sept. 22, 2011), <http://chronicle.com/article/New-Graduate-Student/129111/> (noting that “[i]nternational students saw their ranks rebound from a year earlier, with first-time enrollment for them up by 4.7 percent from the year before. The number of domestic students entering graduate school for the first time was down by 1.2 percent . . .” (citing NATHAN E. BELL, COUNCIL OF GRADUATE SCHOOLS, *GRADUATE ENROLLMENT AND DEGREES: 2000 TO 2010* (2011))).

27. During the period of this study, the work of lawyers was affected by privatization in the former Soviet Union, Argentina's debt crisis, and the Asian financial crisis. See Susan Hansen & Carlyn Kolker, *A World of Lawyers*, AM. LAW., Nov. 1998, at 24 (“Law firms setting up shop in the CIS are doing privatization work for Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan—former Soviet states that are making the transition from Communism to open market economies.”); *Gauchos and Gadflies*, ECONOMIST, Oct. 22, 2011, at 91–92 (describing Argentina's 2001 default); INT'L MONETARY FUND, *Factsheet: Asia and the IMF* (Sept. 13, 2011), <http://www.imf.org/external/np/exr/facts/asia.HTM> (“The crisis that several Asian economies faced in 1997–98 was severe and many people in the region endured considerable distress.”).

topic” of law practice from foreign investment to the rise of intellectual property.<sup>28</sup>

The schools that participated generally are diverse in terms of location, institutional affiliation, and prestige. They include five private and six public law schools. Six of the schools are located in major metropolitan cities; five are situated in the Northeast, two in the South, and four in the Midwest. The *U.S. News & World Report* ranking is used as a proxy—albeit imprecise—for prestige<sup>29</sup>: three of the law schools were ranked among the top fifteen of *U.S. News* in 1996 and remain in the top fifteen group in 2012; one top fifteen school is (and has been) among the top five according to *U.S. News*.<sup>30</sup> From 1996 to 2000, three schools were ranked between sixteen and twenty, three between thirty-one and sixty, and two schools from sixty-one through the fourth tier.<sup>31</sup>

The project began with a survey sent to graduates over a several-month period spanning 2003–04,<sup>32</sup> followed by in-person interviews, which are ongoing.<sup>33</sup> Responses were received from 360 graduates, an overall response rate of 27 percent.<sup>34</sup> Women comprised 40 percent of

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28. Survey responses from international students suggest awareness of this shift, although the number of respondents who identified an interest in studying one particular legal topic as a motivating factor for their U.S. legal studies is very small. Only three respondents who graduated in 1996 and three in 1998 identified an interest in intellectual property as motivating their study in the United States, compared to seven respondents who graduated in 2000. In contrast, securities was identified as an area of law motivating their U.S. legal studies by six students who graduated in 1996, seven from 1998, and three from 2000.

29. In interviews with international students, it became clear that the *U.S. News* ranking was very much a factor for some respondents. One student indicated that her employer “said I could go do the LL.M. at one of the top 15 law schools.” Interview #84 at 28. Another explained, “I basically chose between [schools ranked among the top fifteen of *U.S. News*]. I also applied for [schools A, B and C], but they were second tier, so I didn’t really consider them.” Interview #85 at 22.

30. *Best Graduate Schools: Law*, U.S. NEWS & WORLD REP., Apr. 2012, at 70.

31. Several schools have shifted significantly in their *U.S. News* position in the years since 2000.

32. The survey was sent by post and email, and also was available online. Addresses from the schools were used, supplemented by information gained from internet searches and reference to lawyer databases such as Martindale-Hubbell and the New York bar records. For more information on the research design, see Silver, *supra* note 25.

33. Semi-structured interviews of approximately sixty to ninety minutes in duration were conducted with twenty-nine respondents living in the United States and thirty-seven respondents living outside of the United States. Interviews also were conducted with additional LL.M. graduates who were not included in the survey sample, as well as with lawyers involved in hiring decisions and working in and outside of the United States.

34. Surveys were sent to 1,354 graduates, excluding bounce-backs and postal returns. Response rates per school vary from 11 percent to 47 percent. It was difficult to identify accurate addresses for graduates; interestingly, law school alumni records for international LL.M. graduates are not the subject of as much concern for accuracy as are those of J.D. graduates because there is not a tradition of looking to international LL.M. graduates for financial support. While it is not possible to determine the number of surveys that reached graduates, responses were received from 360 graduates, or 27 percent of all surveys sent without a postal or email bounce-back. For the same reason, response rates by region are difficult to determine with certainty (because of the likelihood of undelivered surveys that were not identified as such), but the following represent an estimate of response rates based on the number of graduates by region, excluding known undelivered surveys: Africa, 11

respondents, men 60 percent. Table 1 identifies the pool of all possible respondents (“All LL.M. graduates”) and actual respondents (“All respondents”) to provide some sense of representativeness of the respondent group with regard to U.S. law school prestige. Compared to all graduates, respondents from schools ranked by *U.S. News* in the top fifteen are slightly over-represented, while those from schools ranked sixteen to thirty and sixty-one through the fourth tier are somewhat underrepresented.<sup>35</sup>

Table 1: Graduates and Respondents from Participating Law Schools, Representativeness of the Respondent Group

Law School <i>U.S. News</i> Category	All LL.M. Graduates	All Respondents
Elite (3 schools, ranked 1–15)	44%	55%
Class A (3 schools, ranked 16–30)	30%	23%
Class B (3 schools, ranked 31–60)	17%	16%
Class C (2 schools, ranked 61–Tier 4)	9%	6%

To gain some sense of the geographic breadth of the respondent population, Table 2 identifies the region of birth for all respondents, as well as those individual countries in which the largest number of respondents were born.<sup>36</sup> Table 3 reports the same information with regard to the regions and countries in which respondents earned their first degree in law.

percent; Asia-Pacific, 19 percent; EU, 37 percent; Europe non-EU, 34 percent; Middle East, 39 percent; Mexico/Latin America/Caribbean, 34 percent; Canada, 22 percent; United States, 20 percent. The low response rate for Asia-Pacific likely relates to (1) the difficulty in using internet and other publicly available search mechanisms to investigate names not originally written in the Roman alphabet and (2) the commonness of certain names, which renders it difficult to effectively search for individuals.

35. Because of the response rate and over- and under-representativeness, the respondents may not constitute a representative sample of LL.M. graduates for all U.S. law schools. Nevertheless, the study provides insight into the careers of these particular respondents. Given the absence of other credible data about the early careers of LL.M.s, this research is a first step in understanding how U.S. legal education matters to international lawyers.

36. Comparing Tables 2 and 3 to IIE’s data on international student mobility reveals substantial stability in patterns of student mobility since the time of the study reported here. For example, in 1998–99, the countries sending the largest number of students to graduate programs in the United States were China (41,237), India (26,590), South Korea (19,109), Canada (9,369), Thailand (8,297) and Japan (8,618). See OPEN DOORS 1948–2000, *supra* note 18, at 26–28 (Foreign Student Totals by Place of Origin 1998–99). In 2009–10, the most common home countries of students entering the United States for graduate studies were India (68,290), China (66,453), South Korea (23,386), Taiwan (14,613), and Canada (11,950). INST. OF INT’L EDUC., OPEN DOORS DATA: INTERNATIONAL STUDENTS: ACADEMIC LEVEL AND PLACE OF ORIGIN (2010), *available at* <http://www.iie.org/Research-and-Publications/Open-Doors/Data/International-Students/By-Academic-Level-and-Place-of-Origin/2009-10>. Of course, this is not to suggest that these figures are representative of the predominant sending countries for graduate legal studies. Unfortunately, data limited to students studying law are not available through IIE.

In contrast, the presence of students from Western Europe has decreased during this period. The total number of students studying in the United States at any level from five

Table 2: Region and Country of Birth, All Respondents

Region	Number	Percent	Select Countries
Africa	11	3.1%	Nigeria (4)
Asia Pacific	88	24.4%	China (8) Japan (23) Korea (12) Taiwan (9)
EU Countries	113	31.4%	France (15) Germany (36) Italy (11)
European non-EU Countries	34	9.4%	Georgia (4) Russia (7) Switzerland (12)
Middle East	11	3.1%	Israel (6)
Mexico, Latin America, and the Caribbean	83	22.8%	Argentina (22) Brazil (24) Mexico (10)
Canada	11	3.3%	—
United States	7	1.9%	—
Missing	*	0.6%	—
Total	360	100.0%	—
* Indicates frequencies fewer than 3 individuals			

Western European countries (Germany, United Kingdom, France, Spain, and Sweden) dropped from 48,844 in 1996–97, the first year of the study reported in this Article, to 33,212 in 2009–10, according to IIE. OPEN DOORS 1948–2000, *supra* note 18, at 38 tbl.4 (Regions and Leading Places of Origin by Academic Level, 1996/97); *see also* INST. OF INT’L EDUC., OPEN DOORS DATA: INTERNATIONAL STUDENTS: ACADEMIC LEVEL AND PLACE OF ORIGIN (2010), *supra*. The changes with regard to European students likely reflect both the growth of competitive programs, particularly in England, as well as the development of the Erasmus program, which simplified mobility at the university level. *See* Sujata Das, *LL.M. Gains Favour*, FIN. TIMES (Nov. 23, 2009, 2:14 AM), <http://www.ft.com/intl/cms/s/0/af15c560-d7c6-11de-b578-00144feabdc0.html#axzz1lnn1Uz6u> (“The proliferation of the number and types of programmes in response to demand—86 in the UK and 147 in the US—has produced many new specialist degrees.”); *see also* *About Erasmus*, BRIT. COUNCIL LEARNING, <http://www.britishcouncil.org/erasmus-about-erasmus.htm> (last visited Apr. 21, 2012) (“Erasmus is the European Union’s flagship educational exchange programme for Higher Education students, teachers and institutions. It was introduced with the aim of increasing student mobility within Europe. Erasmus forms part of the EU Lifelong Learning Programme (2007–2013). It encourages student and staff mobility for work and study, and promotes trans-national co-operation projects among universities across Europe. The scheme currently involves nine out of every ten European higher education establishments and supports co-operation between the universities of 33 countries.”). According to some, for certain potential students from Europe, and in particular from Germany, it is not important that graduate legal studies be pursued in the United States so much as in any ESCL country; as a result, international students may compare options according to cost as much as other factors. *See* Silver, *supra* note 3, at 29. *But see* Aisha Labi, *Wary of Changes at Home, English Students Flock to Events Touting Colleges Overseas*, CHRON. HIGHER EDUC., Oct. 9, 2011 (reporting on the planned increase in undergraduate tuition rates in England and the consequent “unprecedented recruiting opportunity for overseas institutions that has been created”).

Table 3: Site of Primary Legal Education, All Respondents

Region	Number	Percent	Select Countries
Africa	10	2.8%	Nigeria (4)
Asia Pacific	86	23.9%	China (8) Japan (25) Korea (10) Taiwan (9)
EU Countries	115	32.0%	England (12) France (14) Germany (36) Italy (12)
European non-EU Countries	36	10.0%	Georgia (4) Russia (7) Switzerland (14)
Middle East	10	2.8%	Israel (8)
Mexico, Latin America, and the Caribbean	78	21.6%	Argentina (20) Brazil (21) Chile (11) Mexico (11)
Canada	8	2.2%	—
Missing	17	4.7%	—
Total	360	100.0%	—

Finally, this Article also draws on additional research on globalization and legal practice, interviews with those involved in hiring decisions, regulators, legal educators, new graduates, and seasoned lawyers, as well as observations from those participating in the world of international legal education. Combined, these sources offer insight into the choices and challenges that shape the career opportunities of international LL.M. graduates, and provide the backdrop for considering the implications of the preferences exerted by the market for lawyers in the United States.

## II. INTERNATIONAL LAW STUDENTS IN U.S. LAW SCHOOLS: STAYING AFTER SCHOOL

“I did know people who definitely didn’t want to stay [in the United States] for more than two or three years, but I don’t remember there being anyone who just wanted to get the degree and go back unless they already had a job that they worked. Most people were very happy to stay for a little while.”<sup>37</sup>

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37. Interview #54 at 19. Still, contrary experiences also were discovered during the course of the research. A German LL.M., for example, explained that he had no interest in staying in the United States following the LL.M. because his girlfriend (now wife) was in France during the time [he was in the United States]. We had planned it that way because we both wanted to go abroad . . . during our studies, and . . . so

This was a sentiment echoed in interviews with LL.M.s who returned home as well as those featured here, who stayed and ultimately became longer-term U.S. residents.<sup>38</sup> What, then, predicts success in this venture, particularly with regard to finding a U.S.-based job? Do the same factors that predict employment opportunities for J.D. graduates also form the basis for LL.M.s in their U.S.-based careers? If so, and if law school rank matters, then what factors predict admission to a highly ranked LL.M. program? By comparing the credentials and characteristics of those who stayed in the United States with the larger group of respondents to the survey, it is possible to infer which qualities and activities are preferred. This section focuses primarily on the survey data in order to discern these patterns.

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we kind of planned it that way so that we wouldn't have two years. That would have been worse, first for me to go to the U.S. and her to be in Germany and then afterwards her to go somewhere else and I would be in Germany. . . . So now she went to France for a year and I went to the U.S. for a year, and we both had a year abroad and we only had one year apart, so that was better.

Interview #47 at 9. He did not take the bar for the same reason: "I didn't want to practice law in the U.S. I never had any serious intention of doing it. And it would have taken another [two months], at least, preparation and everything and I wasn't prepared to do that." *Id.* Professional interests also draw students back home. Another German graduate explained that "it's not the right way to start your career, in the U.S. Because . . . it helps you with your language [English], but what do you do? You don't get into this type of professional work that you would do for the rest of your life." Interview #12 at 10. A Belgian graduate echoed this desire to begin his professional life at home: "[A]fterwards, . . . beginning my career as a lawyer and remaining active in politics, . . . I . . . felt that if I would stay out for too long that I wouldn't be able to continue my political ambitions." Interview #41 at 17. *See generally* ABDELMALEK SAYAD, *THE SUFFERING OF THE IMMIGRANT* 6 (David Macey trans., Polity Press 2004) ("The two discourses, which echo one another, are homologous because, ultimately, they are both products of the same schemata of thought and the same categories (applied to symmetrical objects) of perception, appreciation and evaluation of the social world and . . . the respective worlds of emigration and immigration."). For more on the intent to return home, see Ballakrishnen, *supra* note 9; Silver, *supra* note 3, at 50.

38. *See, e.g.*, Interview #86 at 23 (LL.M. graduate now living in Germany: "I would have liked it [to stay in the United States following the LL.M.] but it was in fact too late. . . . At the end, I applied for some internships, but it was too late and then they asked me to stay . . . half a year and I said, okay, I have to be back in Germany. So it didn't work."); Interview #87 at 22–23 (LL.M. graduate now living in Germany: "I also knew I wanted to stay in the U.S. and do this practical training that you could do for another year, right, because your visa would allow that if you continue for another year and get practical training. And so I interviewed with a number of firms and interestingly I didn't interview with any German firm because I knew I still had two more years of practical training when I came back to Germany and it doesn't make sense to now interview with those firms. They can't offer you a job right now anyways and they would have to wait another two or two and a half years and then you didn't have your grade for your second state exam yet and so that's also a criterion[.] if you do poorly on that you know you are not going to get a job with a big firm. And so I thought it doesn't make sense to interview with them right now because I'm not really looking for a job with them. And I tried to focus on the U.S. firms. It was really difficult to get some kind of internship or position as a foreign associate . . . but I ended up actually getting a position with [Chicago-based U.S. firm] . . . in their D.C. office and . . . they asked me, also, would you mind . . . splitting your time doing half the time in the D.C. office and half the time back in our Cologne office.").

*A. Investigating LL.M.s Who Stay*

At the time the LL.M.s received the survey in late 2003 and early 2004, slightly more than 18 percent of all respondents were living in the United States. Most of these graduates had been living in the United States for between four and eight years, although a couple of LL.M.s recounted during interviews that their route was more circuitous, as they initially went home after the LL.M. and only later returned to work in the United States. Table 4 reports on the residence of all respondents at the time of their survey response.

Table 4: 2003–04 Region of Residence, All Respondents

Region	Number	Percent
Africa	*	0.6%
Asia Pacific	72	20.0%
EU Countries	97	26.9%
European non-EU Countries	31	8.6%
Middle East	11	3.1%
Mexico, Latin America, and the Caribbean	69	19.2%
Canada	5	1.4%
United States	66	18.3%
Missing	7	1.9%
Total	360	100.0%
* Indicates frequencies fewer than 3 individuals		

The 18 percent stay rate for international LL.M.s<sup>39</sup> is lower than the estimate for graduates in other disciplines.<sup>40</sup> Stay rates are difficult to

39. Published studies of stay rates for international law graduate students have not been discovered. *But see* Debbie Millard, *The Impact of Clustering on Scientific Mobility: A Case Study of the UK*, 18 INNOVATION 343 (2005) (discussing study of scientists and differences in motivations for staying, including career development, financial gain, and prestige). It is likely that the estimated 18 percent stay rate for law graduates is too high. Law school alumni records for international LL.M.s, which were provided as the basis for contact information, often were incomplete, out of date, or simply inaccurate. Moreover, at the time the survey was conducted in 2003–04, internet resources were less developed than they are today, particularly in certain of the home countries of the international law graduates targeted. While the survey was delivered by mail and email, as well as being available online, the absence of more mature internet technology as well as evolving professional and national policies toward use of the internet constrained efforts to identify and reach each graduate. Consequently, it is likely that a greater percentage of U.S.-based graduates received and responded to the survey, inflating the estimated stay rate.

40. *See* NAT'L ACAD. OF SCIS., NAT'L ACAD. OF ENG'G, & INST. OF MED., RISING ABOVE THE GATHERING STORM: ENERGIZING AND EMPLOYING AMERICA FOR A BRIGHTER ECONOMIC

ascertain because of limitations relating to data availability, as well as uncertainty about when “staying” is determined.<sup>41</sup> Indeed, “staying” is an evolving and negotiated status and decision. While certain interviewees described deciding to stay as related to a particular time and judgment, more described a series of decisions and indecisions that caused them to stay in the United States. Moreover, the meaning of “staying” is contested by organizations that must address the LL.M. populations. For example, certain U.S. bar regulators have equated an LL.M.’s intent to sit for the bar exam with an interest in remaining indefinitely in the United States, despite evidence to the contrary.<sup>42</sup> The estimates discussed here provide only a general framework of comparison between the experiences of international students who study law and those who pursue other disciplines.

There is general agreement that stay rates vary by home country as well as by discipline. The OECD estimated that for a comparable time period to that covered by the LL.M. study,

among foreign students with temporary visas who received American doctorates in science and engineering . . . in 1998, an average of 61 percent were still in the United States in 2003. Across fields, the stay rate ranged from 36 percent in economics to 70 percent in computer science and computer/electrical engineering.<sup>43</sup>

The lowest rate in the sciences is occupied by graduates categorized as studying “other social sciences.” In the late 1990s, the stay rate for social science students was estimated at between 26 percent (for 1995 graduates who stayed for two years) and 35 percent (for 1999 graduates who stayed for two years).<sup>44</sup> By the next decade, the rates had increased substantially:

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FUTURE 382 (2007) (“Stay rates were highest among engineering, computer-science, and physical-science graduates. Stay rates also varied dramatically among graduate students from the top source countries—China (96%), India (86%), Taiwan (40%), and Korea (21%).”). This report also states that “[d]ecisions to stay in the United States appear to be strongly affected by conditions in the students’ home countries, primarily the unemployment rate, the percentage of the labor force that works in agriculture, and per capita GDP.” *Id.*; see also *id.* at 378 (“Since World War II, the United States has been the most popular destination for S&E graduate students and postdoctoral scholars choosing to study abroad. With about 6% of the world’s population, the United States has been producing over 20% of S&E PhD degrees.”).

41. See, e.g., Sonia Morano-Foadi, *Scientific Mobility, Career Progression, and Excellence in the European Research Area*, 43 INT’L MIGRATION 133, 136 (2005) (addressing the meaning of “mobility”).

42. Silver, *supra* note 3, at 31 (describing the importance of the bar for German LL.M. graduates as a “good marketing instrument in Germany”); see also Carole Silver & Mayer Freed, *Translating the U.S. LLM Experience: The Need for a Comprehensive Examination*, 101 NW. U. L. REV. COLLOQUY 23 (2007), <http://www.law.northwestern.edu/lawreview/colloquy/2006/3/LRColl2006n3Silver-Freed.pdf> (proposing a comprehensive exam of U.S. law for international law graduates to serve as a mechanism for comparability).

43. OECD, THE GLOBAL COMPETITION FOR TALENT: MOBILITY OF THE HIGHLY SKILLED 95–96 (2008).

44. Michael G. Finn, *Stay Rates of Foreign Doctorate Recipients from U.S. Universities, 1999*, OAK RIDGE INST. FOR SCI. & EDUC. 3 tbl.2 (2001), <http://orise.orau.gov/files/sep/stay-rates-foreign-doctorate-recipients-1999.pdf>.



45 percent of 2002 graduates were in the United States two years later.<sup>45</sup> Even compared to graduates in the “other social sciences” category, however, the stay rate for international LL.M. graduates estimated from the survey data reported here is low. These differences are more striking when compared to science and engineering Ph.D.s, who, as a group, lie at the high end of stay rates for graduate-level students in the United States.<sup>46</sup> Between 60 percent and 73 percent of science and engineering Ph.D.s who graduated between 1997 and 2006 (overlapping with the graduation years for the LL.M.s studied here) remained in the United States after earning their degrees.<sup>47</sup> Possible explanations for the lower stay rates for law students are explored in Part III.

Because my survey data include both those who stayed in the United States and those who returned home or are working in a third country, it is possible to gain insight by comparing the characteristics and credentials of the two groups. For example, the gender composition of the group that stayed is different than the group that did not stay.<sup>48</sup> Overall, while 53 percent of the LL.M.s in the sample who remained in the United States are men, men were less likely than women to have stayed in the United States: 25 percent of female respondents and 15 percent of male respondents were in the United States at the time they responded to the survey.

This distinction between stay rates for men and women may be explained, at least in part, by differences in motivations for initially pursuing the LL.M.: 29.8 percent of females and 17 percent of males indicated that family responsibilities were a motivating factor for enrolling in the LL.M. An African woman, who accompanied her husband to the United States when he was forced to leave their home country because of political issues, serves as an example of the role of family considerations: “Something unexpected came up, my husband had to come to the U.S. unexpectedly and he couldn’t return to [our home country]. We had to decide whether we wanted to live separately or be together.”<sup>49</sup> She enrolled in an LL.M. program in the United States and, after earning a high grade point average, spent two additional years in law school to earn a J.D. Respondents who indicated that their reasons for enrolling in a U.S. LL.M. program included family considerations were 2.9 percent more likely to remain in the United States following the LL.M.; 34 percent of those who identified family considerations as a motive remained, compared to 14 percent for whom family considerations were not a motivating factor for pursuing the LL.M. Among those who indicated that family considerations

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45. Michael G. Finn, *Stay Rates of Foreign Doctorate Recipients from U.S. Universities, 2007*, OAK RIDGE INST. FOR SCI. & EDUC. 5 tbl.5 (2010), <http://orise.ornl.gov/files/sep/stay-rates-foreign-doctorate-recipients-2007.pdf>; see also Marie D. Connolly, *The Market for Skilled Migrants: The Role of Student Stay Rates* (June 15, 2010) (unpublished manuscript), available at [www.apecweb.org/confer/hk10/papers/connolly\\_md.pdf](http://www.apecweb.org/confer/hk10/papers/connolly_md.pdf).

46. See Ballakrishnen, *supra* note 9, at 2443 n.7 (science and engineering students are the largest group of international graduates).

47. See Finn, *supra* note 45, at 2 fig.1.

48. 66 percent of all respondents, including those who did not remain in the United States, were males, and 34 percent were female.

49. Interview #82 at 2.

motivated the decision to enroll in the LL.M., women were more likely than men to remain in the United States: 41.7 percent of females who indicated family considerations motivated their pursuit of the LL.M. remained in the United States, compared to 27.5 percent of men.

Whether an international LL.M. had completed the steps to qualify to practice law in her home country also may influence the decision to stay in the United States. LL.M.s who have not completed the qualification process at home may have fewer opportunities there, which may push them toward staying in the United States.<sup>50</sup> This is borne out by the data: only 16 percent of the LL.M.s who were licensed to practice law in their home country remained in the United States, compared to 33 percent<sup>51</sup> of those who were not licensed at home. However, it was relatively unusual for respondents not to be qualified to practice at home; only 15 percent of all respondents fell into this category. Overall, 72 percent of all respondents who stayed in the United States were licensed to practice law in their home countries, and 88 percent of those who did not stay were similarly qualified at home.

Perhaps LL.M.s from particular countries are more likely to stay. Feeder birth regions—from which graduates who stayed in the United States are drawn—are identified in Table 5, while feeder regions with regard to primary legal education for those who stayed in the United States are identified in Table 6. Both Tables 5 and 6 also indicate individual countries that sent three or more respondents who stayed in the United States.

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50. While being licensed at home is a condition to bar eligibility in certain states in the United States (and a condition in the ABA Section of Legal Education and Admissions to the Bar's new proposed rule on foreign legal education and bar eligibility, *see supra* note 10), it also may be one motivation for staying, particularly for graduates from countries where the bar passage rate is extremely low, as was the case for Japan and Korea during the 1996–2000 period. *See Ribstein, supra* note 5, at 1671. Nearly 28 percent of all LL.M.s (those who stayed in the United States and those who did not) who were not qualified to practice at home were Japanese, and nearly 13 percent were Korean.

51. More than one-third of those not qualified at home who remained in the United States were from ESCL countries.

Table 5: Birth Regions and Countries  
from Which U.S.-Resident Respondents Are Drawn

Region	Number	Percent	Select Countries
Africa	5	7.6%	—
Asia Pacific	17	25.8%	China (5) Australia (3)
EU Countries	15	22.7%	England (3) Germany (5)
European non-EU Countries	10	15.2%	Russia (4)
Middle East	*	3.0%	—
Mexico, Latin America, and the Caribbean	9	13.6%	Brazil (3)
Canada	4	6.1%	—
United States	3	4.5%	—
Missing	*	1.5%	—
Total	66	100.0%	—
* Indicates frequencies fewer than 3 individuals			

Table 6: Legal Education Regions and Countries  
from Which U.S.-Resident Respondents Are Drawn

Region	Number	Percent	Select Countries
Africa	5	7.6%	—
Asia Pacific	16	24.2%	Australia (4) China (4)
EU Countries	19	28.8%	England (7) Germany (5)
European non-EU Countries	10	15.2%	Russia (4)
Middle East	*	1.5%	—
Mexico, Latin America, and the Caribbean	12	18.5%	Brazil (3) Mexico (3)
Canada	*	3.0%	—
Missing	*	1.5%	—
Total	66	100.0%	—
* Indicates frequencies fewer than 3 individuals			

Delving into the data presented in Tables 5 and 6 reveals that respondents from ESCL countries are over-represented among those who remained in the United States following the LL.M. ESCL nationals (based on birth country) are 4.5 times more likely to work in the United States compared to those who are from non-ESCL countries: 46 percent of ESCL nationals remained in the United States, compared to just 14 percent of respondents from non-ESCL countries who stayed. The importance of an ESCL background is even more striking with regard to the first degree in law. Slightly more than 46 percent of all respondents who earned their first degree in law in ESCL jurisdictions stayed in the United States, compared to 14.1 percent of graduates of law schools in non-ESCL jurisdictions. These figures are all the more remarkable because such a small proportion of all respondents were from ESCL countries: slightly more than 13

percent of all respondents according to birth country, or 12 percent according to the jurisdiction where they earned their first degree in law.<sup>52</sup> Table 7 identifies the ESCL birth countries from which respondents hailed, and Table 8 identifies the ESCL countries in which respondents earned their first degrees in law. In each case, U.S.-based respondents are indicated.

Table 7: ESCL Jurisdictions for Birth Countries, All Respondents

ESCL Birth Country	Number	Working in the United States as of 2003–04	Not Working in the United States as of 2003–04
Australia	4	3	*
Canada	11	4	7
England	5	3	*
India	7	*	5
Ireland	*	—	*
Kenya	*	*	—
New Zealand	*	—	*
Nigeria	4	*	*
Pakistan	*	*	—
Scotland	*	*	—
Singapore	3	—	3
South Africa	*	*	—
United States	7	3	4
Total	48	22	26
* Indicates frequencies fewer than 3 individuals			

52. Nor is this to suggest that all ESCL countries provide LL.M. students with equivalent opportunities to stay; further research may reveal differences.

Table 8: ESCL Locations for Primary Legal Education, All Respondents

ESCL Country of Primary Legal Education	Number	Working in the United States as of 2003–04	Not Working in the United States as of 2003–04
Australia	8	4	4
Canada	8	*	6
England	12	7	5
India	6	*	4
Ireland	*	—	*
New Zealand	*	—	*
Nigeria	*	*	*
Pakistan	*	*	—
Scotland	*	*	—
Sierra Leone	*	*	—
South Africa	*	*	—
Total	44	21	23
* Indicates frequencies fewer than 3 individuals			

The fact that substantially more ESCL LL.M.s stayed in the United States, compared to the non-ESCL group, suggests that access to the U.S. market for lawyers is determined by resemblance to U.S. nationals in terms of cultural and educational background and language.<sup>53</sup> As such, this constitutes an important finding from the data. Nor do these numbers stand in isolation.

First, LL.M. program directors recounted different law school career services policies for ESCL LL.M.s. Program directors, particularly those who have been involved in international legal education for more than a few years, develop deep knowledge and sensitivity regarding the career opportunities available to their international LL.M.s. During an interview conducted in 2004, the director of the international LL.M. program at one highly ranked U.S. law school noted a preference for ESCL LL.M.s in the access granted to the on-campus interviewing program. She explained that the law school limited such interviews to international LL.M.s “with a

53. One LL.M. noted that “anyone who had a bachelor’s degree from the U.S. ended [up] getting offers at the job fair.” Interview #66 at 11.

common law background and at least two years of work experience, and occasionally others who intend to remain in the U.S.”<sup>54</sup>

But even more telling with regard to the importance of an ESCL background are the comments of those graduates who have made their careers in the United States, particularly with regard to the role of their accents. For ESCL graduates, a home country accent is seen as a positive. This was most forcefully explained by a graduate from England, now working as a litigator in a top U.S. firm in Washington, D.C.:

I think I get some leeway from judges because of the accent. I think I get away, in certain situations . . . with more than a U.S. litigator might get away with, because they . . . just sort of, I don't know, they give you latitude because you are foreign. I don't know if it's just being slightly more polite to you . . . and maybe they are distracted by the accent and don't actually listen to what you're saying. Maybe they have to listen so closely because of the accent . . . I don't know, I feel as if I get a bit more leeway and a bit more attention than I would if I was a New York litigator going to litigate in Florida. And the firm litigates around the country so this is, again, . . . just my perception, but I think being foreign . . . helps offset the kind of anti-Washington big firm bias that you might otherwise get if you are arguing . . . in California or Florida or Peoria, Illinois. . . . [S]o I'm definitely doing all I can not to lose the accent because I think it's useful.<sup>55</sup>

Another graduate from South Africa concurred:

[H]aving a British accent, . . . it's a perception, [of having] perhaps more authority. So it certainly doesn't work against . . . me, and so I've seen no reason to try and dilute it. But it's not German, and it's a first language speaker, so I can imagine other LL.M.s would have an issue with that, to try and get a more American accent, but with the British accent it doesn't, it's not bothering people.<sup>56</sup>

But for non-ESCL graduates, home country accents often are perceived as problematic.<sup>57</sup> One LL.M. graduate from the Netherlands explained:

I'm working on it. . . . [L]ast year I hired somebody . . . [who] focuses on helping foreign nationals with their English. But the interesting thing was that when I hired him, and word got out, I had partners calling me making fun of me that I would actually do that. Because one of the partners said, and he is probably right, that my English is better than his. . . . [I]t . . . either is a problem, other people perceive it as a problem, or you perceive it as a problem. And so I'm working on it, but I think it is

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54. Interview #72 at 10.

55. Interview #65 at 17.

56. Interview #74 at 26.

57. See, e.g., Ronald Alsop, *M.B.A. Track: How Students from Abroad Learn to Talk the Talk*, WALL ST. J., Nov. 6, 2007, at B11 (describing a Chinese student who enrolled in a class for “international M.B.A. students to ‘get rid of my accent’ and sharpen her pronunciation of certain letters and sounds such as ‘th’ and ‘v.’ ‘Because English is the language of business, I want to be as close to a native speaker as possible.’”). Even the *West Side Story* song, “America,” acknowledges the challenge of accents: Bernardo sings, “Better get rid of your accent.” See SONDEHEIM, *supra* note \*.

generally a problem for LL.M. students either because it is an actual problem or because partners that they work with think it is a problem.<sup>58</sup>

Another LL.M. who earned her first law degree in Sweden reported that she has “worked on not having an accent.”<sup>59</sup> In both cases, it was difficult for me to discern even the hint of an accent. A third graduate, from Germany, also commented on the issue of accent:

[S]omeone’s English skills just can’t be good enough. You have to permanently . . . work on them. . . . I . . . may . . . even . . . take classes and work on my accent, which is still there. It’s not too tremendous, but nevertheless people realize it. I think that people will always, when they hear an accent, . . . there is always this first moment of hesitation. This might be different from city to city, it depends. I don’t know, maybe New York is a little bit different because it’s incredibly international. . . . You always have an uphill battle, from that point on, even if it’s a small little hill that you have to surmount. It clearly makes it easier if you don’t have an accent at all if possible.<sup>60</sup>

These interviews confirm the survey data regarding the blending in required for all except those with a British accent.

### *B. Law School Differences*

Law school ranking is a significant factor in the J.D. hiring market. What predicts which LL.M.s will attend a top-ranked U.S. law school? LL.M.s do not have test scores similar to the LSAT, nor are their undergraduate grades likely to be as great an influence as in J.D. admissions. Instead, three factors predict which students enroll in the top schools: birth country, early mobility, and funding.<sup>61</sup>

Individuals who earned their LL.M. degrees at an Elite school were five times more likely to have been born in an ESCL country than those who attended a non-Elite U.S. law school<sup>62</sup> for the LL.M. This makes sense: language presents perhaps the greatest challenge to international law students. As one LL.M. advisor explained to new students, “Throughout the course of your program, you will encounter plenty of situations where your comfort level with English will highly impact your performance.”<sup>63</sup>

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58. Interview #48 at 16–17.

59. Interview #64 at 1.

60. Interview #73 at 26–27.

61. Men are more likely to attend schools in the Elite group than are women. Of the 199 respondents who attended a school in this category, 69 percent were men, making men close to twice as likely to attend a top fifteen school for the LL.M. than females. Perhaps a related factor is that LL.M.s who indicated that family considerations influenced their decision to enroll in the LL.M. were 75 percent less likely to attend a school in the Elite category. Only 13 percent of those who attended one of these schools indicated that family considerations influenced their decision to pursue the LL.M., compared to 31 percent of LL.M.s who attended one of the other schools, 35 percent of Class A school graduates, 24 percent of Class B school graduates, and 36 percent of Class C school graduates.

62. “Non-Elite” here means any school other than those ranked in the top 15 by *U.S. News & World Report*. See *supra* Table 1.

63. *Lost: What the New York Times, a Good TOEFL Score and John Grisham All Have in Common: They Will Help You Do Better During Your LL.M./JD program in the U.S.*,



U.S. law schools compete for international students from ESCL countries, and they are a relative rarity in the LL.M. applicant pool, according to LL.M. program directors. Elite schools are able to attract them in larger proportions compared to non-Elite schools.<sup>64</sup> At the same time, the programs at non-Elite schools may be comprised of larger proportions of students from emerging market countries, who may be well-positioned for supporting global growth in the legal market.

Diversity of home country is an important criterion that law schools consider in the admissions process for LL.M. programs.<sup>65</sup> The more diverse the group of LL.M. students, the more international the program, which increases the attractiveness of the program for students as well. Access to international networks of lawyers is an important benefit of participating in an LL.M. program, and in this regard, the more countries represented, the better.<sup>66</sup> As one international graduate explained,

I came here hoping to meet people from different countries, different cultures, and it did open my mind. Literally, the first day I felt like I had been hit with an axe in my head and it opened, you know. I had traveled very little when I was younger, so I didn't know much of the world and I hadn't met anyone from Asia or, I don't know, different countries in Europe, Eastern Europe, Africa, so it was a new and very intense experience.<sup>67</sup>

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LLMSTUDIO.com (Jan. 1, 2011), [http://www.llm-studio.com/LL.M\\_Studio/The\\_Blog/Entries/2011/1/1\\_What\\_the\\_New\\_York\\_Times%2C\\_a\\_good\\_TOEFL\\_score\\_and\\_John\\_Gris\\_ham\\_all\\_have\\_in\\_common%3A\\_They\\_will\\_help\\_you\\_do\\_better\\_during\\_your\\_LL.M\\_JD\\_program\\_in\\_the\\_U.S..html](http://www.llm-studio.com/LL.M_Studio/The_Blog/Entries/2011/1/1_What_the_New_York_Times%2C_a_good_TOEFL_score_and_John_Gris_ham_all_have_in_common%3A_They_will_help_you_do_better_during_your_LL.M_JD_program_in_the_U.S..html).

64. Bar passage is not necessarily related to whether a student earned their primary degree in law from an ESCL country. Of those countries sending more than 100 bar test-takers to sit for the New York bar examination in 2009, only Canada had a substantially higher bar passage rate than graduates of civil law, non-English speaking countries. See Bryan R. Williams, N.Y. State Bd. of Law Exam'rs, Presentation at the National Conference of Bar Examiners Annual Bar Admissions Conference, Austin, Texas (Apr. 16, 2010) (on file with author).

65. See, e.g., *Student Profiles*, USC GOULD SCH. L., <http://lawweb.usc.edu/how/gip/llm/profiles.cfm?all> (last visited Apr. 21, 2012) ("Our outstanding students bring a rich array of experience, legal knowledge and cultures to USC Law. They come from countries all over the world."). In its profile of LL.M. students, USC included biographies of one student each from Brazil, China, India, Germany, Japan, Switzerland, and Thailand. See *id.*; see also *Master of Laws (LL.M.) Program*, COLUM. L. SCH., [http://www.law.columbia.edu/null/CLS+Graduate+Legal+Studies+Brochure%2C+2011-2012?exclusive=filemgr.download&file\\_id=542066](http://www.law.columbia.edu/null/CLS+Graduate+Legal+Studies+Brochure%2C+2011-2012?exclusive=filemgr.download&file_id=542066) (last visited Apr. 21, 2012) ("The LL.M. Program enrolls approximately 225 students each year. These students come from more than 50 countries and bring experience that spans all areas of the legal profession. In evaluating applications for admission to our LL.M. Program, we strive to select a student body of individuals with diverse backgrounds and interests who share a discernible commitment to excellence."); *LL.M. Program*, HARV. L. SCH. <http://www.law.harvard.edu/academics/degrees/gradprogram/llm/index.html> (last visited Apr. 21, 2012) ("The LL.M. (Master of Laws) program is a one-year degree program that typically includes 150 students from more than 60 countries.").

66. This is also the case in other disciplines. See, e.g., Millard, *supra* note 39, at 355; *id.* at 345 ("Studies of scientists find that the prestige of the host institute is particularly important in terms of attracting researchers.").

67. Interview #75 at 7.

The diversity of the LL.M. population is particularly important because it is common for international LL.M. students to have difficulty in developing close relationships with J.D. students.<sup>68</sup> While exposure to U.S. culture is guaranteed to international law students who enroll in a U.S. LL.M. program, there is no similar assurance that they will develop meaningful relationships with U.S. law students during their studies.<sup>69</sup>

A second factor that predicts which students end up in Elite schools relates to mobility, and is evident from the relationship between the prestige of the U.S. law school where the LL.M. was earned<sup>70</sup> and differences between birth country and country of primary legal education. Respondents who earned their legal education<sup>71</sup> in a different jurisdiction than their birth country<sup>72</sup> were more likely to attend one of the top fifteen rated schools for their LL.M., compared to respondents who earned their first degree in law

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68. As one LL.M. who attended an Elite school explained, being that I was young, I didn't have that kind of confidence that I have now. . . . I must say that I didn't make any long-lasting friendships with any of the J.D.s. Plus the J.D.s have such ambivalent attitudes towards the LL.M.s, you know. It's like, as far as they're concerned, it's like this new class of colored people come every year and then leave. So I don't think they really made much of an effort, with the same result I didn't make much of an effort with them.

Interview #66, *supra* note 53, at 8. Another, who earned his LL.M. at a Class C school, was even more explicit:

LL.M.s were . . . I wouldn't say we are like a closed group, but we were all basically . . . friendly to each other. . . . [B]ut the J.D. students were always kind of distant. And again, . . . they were intimidating at the beginning. They ignored us completely, like if we didn't [exist]. . . . [W]e were taking the same classes . . . and I was looking at them, and they just are looking at you like [you] are made of glass. They just don't see you. Again, that was obviously intimidating. . . . And then one of these J.D. students told me . . . , "It's not because they are not friendly, they don't know how to communicate with you guys; they don't know what you are doing, and what's it all about." So . . . they are busy focusing on their studies, and I understand, . . . but still, it doesn't prevent anybody from . . . [having] . . . relationship[s] . . . [with] their classmates. But again, I found actually a big gap between J.D. students and LL.M. students.

Interview #61 at 11. A third LL.M. who earned her degree at a school in the Elite category explained that "most of my J.D. friends were transfer students, who also felt excluded. I had a mentor who was a J.D. transfer student. The interaction between J.D.s and LL.M.s was not exceptional, in spite of the fact that it's a small LL.M. and J.D. program." Interview #77 at 6. See also Johanna Waters & Rachel Brooks, 'Vive la Différence?': The 'International' Experiences of UK Students Overseas, 17 POPULATION, SPACE & PLACE 567, 574 (2011) (describing British students who studied overseas as tending to socialize with other international students rather than with locals).

69. There are important reasons for schools to engineer meaningful relationships between American and international students. See Goldhaber, *supra* note 23 ("LLMs are undoubtedly the most effective rule-of-law programs," says Bryant Garth, the incoming dean at Los Angeles's Southwestern University School of Law and the longtime director of the American Bar Foundation. "You create friends. You create people who understand U.S. models. You build an army of advocates for reform.""). But see Silver, *Internationalizing Education*, *supra* note 2, at 168–70, for information on the limited success of schools in this regard.

70. As indicated by U.S. News rank. See *supra* Table 1.

71. See *supra* Table 3.

72. See *supra* Table 2.

in the same jurisdiction where they were born.<sup>73</sup> This early mobility is relatively unusual; nearly three-quarters of all respondents stayed in their birth country for their legal studies. Nevertheless, for those in the 25 percent group, mobility is one predictor of success.

Third, students who attended an Elite school were substantially more likely to have a scholarship from their home country or an outside agency compared to students who earned their LL.M. at a non-Elite school. The scholarship indicates selection by the home country or an outside agency, perhaps highlighting to the U.S. school the merits of the student's credentials. Respondents who received a scholarship were more than twice as likely to attend an Elite school, and more than three and one-half times as likely to attend the top-ranked Elite school in the study, compared to those who did not receive a scholarship.

Does law school prestige with regard to the LL.M. program also predict who stays in the United States? That is, are LL.M.s from Elite schools more likely to stay than those from non-Elite schools? This depends in part on whether staying in the United States is perceived as the prize, or whether opportunities at home are more attractive. Variations in the balance between these options stem from differences in home countries as well as in the particular characteristics and credentials of the individual LL.M.<sup>74</sup> For some international LL.M.s, going home offers professional opportunities that are impossible to match in the United States. A German LL.M., who returned home to join the prosecutor's office, later to become a judge, was rewarded at home on the basis of his scores on the German State Exams.<sup>75</sup> It is not clear that he would have been similarly recognized on this basis if he had stayed in the United States.<sup>76</sup>

If staying is the prize, however, then Elite school status is not a condition to winning. Larger proportions of LL.M.s who earned their degrees from non-Elite schools stayed in the United States compared with LL.M.s from Elite schools, as reported in Table 9:

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73. 32 percent of respondents who attended a school in the Elite group pursued their first degree in law in a country outside of their birth country, compared to 19 percent of respondents who attended schools in Classes A–C; that is, those who earned their first degree in law outside of their birth country were more than three times more likely to attend a top fifteen school for the LL.M.

74. Regarding the importance of differences in home countries with regard to the attraction of staying in the United States, see Pierre Bourdieu, *Preface to SAYAD*, *supra* note 37, at xiii (“Because analysts approach ‘immigration’—the word says it all—from the point of view of the host society, which looks at the ‘immigrant’ problem only insofar as ‘immigrants’ cause it problems, they in effect fail to ask themselves about the diversity of causes and reasons that may have determined the departures and oriented the diversity of the trajectories. As a first step towards breaking with this unconscious ethnocentrism, [Sayad] restores to ‘immigrants’, who are also ‘emigrants’, their origin and all the particularities that are associated with it.”).

75. Interview #47, *supra* note 37, at 2.

76. See Ballakrishnen, *supra* note 9, at 2446 n. 23 and sources cited therein (arguing that an individual's choices are framed by their assessment of how best to capitalize on their credentials and experiences).

Table 9: LL.M. Earned, *U.S. News* Rank of U.S. Law School

Category	<i>U.S. News</i> Rank	Number of Law Schools in This Category	Percent of Those Respondents Who Attended School in Category Who Remained in the United States
Elite	1 through 15	3	16.6%
Class A	16 through 30	3	14.8%
Class B	31 through 60	3	24.1%
Class C	61 through Tier 4	2	31.8%

Between approximately one-quarter and one-third of LL.M.s from Class B and Class C schools stayed in the United States,<sup>77</sup> compared to only approximately 15 percent of graduates from Class A and Elite schools. Of course, staying in the United States may not necessarily equate with a prestigious career opportunity, as the example of the German prosecutor illustrates. It may be that LL.M.s from Elite schools are more likely to have greater opportunities at home. More light is shed on these issues in Part II.C.

### C. U.S.-Based Work Settings

Finally, the work settings of U.S.-based international LL.M. graduates provide insight both into who stays and whether staying in the United States is equivalent to a career prize or curse. Nearly 90 percent of the U.S.-based international LL.M.s worked full-time when they responded to the survey; one LL.M. worked part-time and five were not working.<sup>78</sup> Of the fifty-nine who worked full-time, more than half were practicing in law firms. Table 10 reports on the work settings of all respondents, comparing U.S.-based respondents to those living elsewhere. To provide a context for comparison, data on work settings of the U.S.-licensed lawyers reported in the *After the JD II* research project, which focuses on U.S. J.D.s who graduated in the year 2000, are reported in the right-hand column of Table 10.<sup>79</sup>

77. Only twenty-two respondents from Class C schools responded to the survey, and the small number of Class C LL.M.s cautions against drawing too much significance from this data.

78. Information on one respondent was missing for this item.

79. See generally AM. BAR FOUND. & NALP FOUND. FOR LAW CAREER RESEARCH & EDUC., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* (2009) [hereinafter *AFTER THE JD II*].

Table 10: Work Settings for Respondents Employed Full-Time

Setting	Number	U.S.-based Respondents	Non-U.S.-based Respondents	<i>After the JD II</i> Respondents <sup>80</sup>
Solo Practice	9	6.8%	1.8%	9.6%
Private Law Firm	154	52.5%	45.0%	45.4%
Government	13	5.1%	3.7%	16.9%
NGO/ Public Interest Organization	7	1.7%	2.2%	5.1% <sup>81</sup>
Educational Institution	26	3.4%	8.8%	/
Non-law Professional Service Firm	9	1.7%	2.9%	/
Corporation/ Business Organization	50	13.6%	15.4%	18.9% <sup>82</sup>
Judiciary	10	—	3.7%	/
Prosecutor	*	—	0.7%	/
Other	*	—	0.4%	1.1%
Missing (incl. "not applicable")	51	15.2%	15.4%	/
Total	332	100.0%	100.0%	
* Indicates frequencies fewer than 3 individuals				

Table 10 reveals that private law firms are the most common work setting for all three groups (U.S.-based LL.M.s, Non-U.S.-based LL.M.s, and the *After the JD II* respondents). This category can be further unpacked to separate firms according to their international identities. Internationally related firms may facilitate LL.M.s in efforts to capitalize on their international legal education; in addition, international firms often have name recognition that may be valuable separately in the event that the

80. Items marked with a slash (/) have no directly comparable category in the *After the JD II* data.

81. This represents the combined categories of nonprofits, education and other. See *id.* at 27 tbl.3.1.

82. This represents the sum of those working as in-house counsel and those not working as lawyers. See *AFTER THE JD II*, *supra* note 79, at 27 tbl.3.1.

LL.M. leaves the United States. Categories of private law firms used for this analysis include the following:

*U.S.:* law firms of any size (excluding solo practices) with offices only in the United States;

*Foreign:* law firms based outside of the United States with no offices outside of that home jurisdiction;

*U.S. International:* law firms based in the United States that support at least one office outside of the United States;

*Foreign International:* law firms based outside of the United States that support at least one office in the United States;

*Magic Circle:* those London-based firms commonly known as the “Magic Circle” with an office in the United States.<sup>83</sup>

Table 11 uses these categories to report on the work settings of U.S.-based respondents.<sup>84</sup>

Table 11: Categories of Law Firms  
at Which U.S.-Based Respondents Work

Type of Law Firm	Number	Percent
U.S.	11	33.3%
U.S. International (offices outside United States)	15	45.4%
Foreign International (offices outside home country)	*	9.1%
Magic Circle	*	6.1%
Missing	*	6.1%
Total	33	100.0
* Indicates frequencies fewer than 3 individuals		

Slightly more than 60 percent of the U.S.-based LL.M.s working in private law firms practiced with firms with an international presence,

83. Magic Circle firms refer to the following London-based firms: Linklaters, with an office in New York, *see* LINKLATERS, <http://www.linklaters.com/Locations/Pages/US.aspx> (last visited Apr. 21, 2012); Clifford Chance, with an office in New York and Washington, D.C., *see* CLIFFORD CHANCE, <http://www.cliffordchance.com/locations/usa.html> (last visited Apr. 21, 2012); Freshfields, with offices in New York and Washington, D.C., *see* FRESHFIELDS BRUCKHAUS DERINGER, <http://www.freshfields.com/locations/us/offices/> (last visited Apr. 21, 2012); and Allen & Overy, with offices in New York and Washington, D.C., *see* ALLEN & OVERY, <http://www.allenoverly.com/AOWEB/PeopleOffices/Country.aspx?countryID=18658&prefLangID=410> (last visited Apr. 21, 2012). Slaughter & May is not included here because it has no office in the United States. *See Offices*, SLAUGHTER & MAY, <http://www.slaughterandmay.com/where-we-work/offices.aspx> (last visited Apr. 21, 2012).

84. Table 11 omits the “Foreign” firm category, since by definition U.S.-based respondents are not employed by such firms because they do not support offices in the United States.

comprised of the U.S. International, Foreign International, and Magic Circle categories. These firms represent clients with international activities and interests, although by no means do all of their lawyers spend all of their time on matters involving an international or cross-border element. Several LL.M.s working in the United States for internationally related firms, for example, reported that their professional identity had become defined as being solely a U.S. lawyer. For example, an LL.M. working in the New York office of an Am Law 100<sup>85</sup> firm in the U.S. International category explained, "I'm treated for all intents and purposes as [a] U.S. lawyer."<sup>86</sup> The nature of the firm, and whether it is U.S.-based, likely exerts an influence on the jurisdictional identity of the lawyer, so that LL.M.s working for Foreign International firms might maintain a stronger professional connection to the home country of the firm.

Working in the United States for a firm in one of these three internationally related categories is a marker of prestige in the work setting. Lawyers working for these firms earn high salaries, represent well-known clients, and have access to important professional opportunities.<sup>87</sup> Half of the LL.M.s who work for firms in the internationally related categories earned their LL.M. from a school in the Elite category.<sup>88</sup> The substantial presence of Elite law school LL.M.s here is not surprising; it is consistent with the hiring practices for most of the same firms with regard to their preference for J.D.s from schools ranked highly on the *U.S. News* list. However, a more significant takeaway from the data presented in Table 12 is that half of the LL.M.s working at these firms are graduates of schools outside of the Elite category. Particularly noteworthy is that 30 percent of the LL.M.s working for these firms graduated from Class B schools, which occupy *U.S. News* rankings between 31 and 60. Despite small numbers—only six individuals from Class B schools were working for these firms—this is some indication that law school ranking is not the singularly determinative predictor for success (defined here as working in the United States for an internationally related law firm) as it is often described for J.D. graduates.<sup>89</sup>

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85. The Am Law 100 is a list of the largest U.S.-based law firms measured by gross revenue. See, e.g., *The Am Law 100 2011*, AM. LAW. (May 1, 2011) <http://www.law.com/jsp/tal/PubArticleTAL.jsp?id=1202489912232>; Alexia Garamfalvi, *Firms Turn to Professional Development*, N.Y. L.J., Oct. 2006 ("Since 1986, when *The American Lawyer* first published a list of the 100 highest-grossing firms in the United States, the total number of lawyers in the Am Law 100 has increased by 170 percent, growing from 25,994 in 1986 to 70,161 in 2005.").

86. Interview #79 at 15.

87. One LL.M. described being invited to join a committee related to her practice area by a lawyer she met on a transaction: "I was asked to join the Structured Finance Committee. I was invited to join by this lawyer who was working on the other side [of a transaction], and he sent me a nice email saying he enjoyed working with me, and, you know, if I care to join this committee." At the committee meeting she attended, she was "the only associate there; otherwise they were all partners and of-counsel and all sorts of very . . . serious professionals." Interview #66, *supra* note 53, at 21.

88. See *infra* Table 12.

89. See AFTER THE JD II, *supra* note 79, at 44 tbl. 5.2 (describing the relationship of law school selectivity and working in the largest law firms: 25 percent of graduates of the ten

Table 12: LL.M. Graduates Working with Internationally Related Private Law Firms and the *U.S. News* Category of Their LL.M. Law School

Law School U.S. News Category	Number of Graduates	Percent
Elite	10	50.0%
Class A	3	15.0%
Class B	6	30.0%
Class C	*	5.0%
Total	20	100.0%
* Indicates frequencies fewer than 3 individuals		

Further investigation of the U.S.-based Class B LL.M.s working in internationally related firms does not reveal additional insight, however. These LL.M.s are not from ESCL home countries that might otherwise guide their destinies.<sup>90</sup> Nor is their pre-LL.M. work experience revealing; approximately 54 percent worked in private firms prior to the LL.M., compared with nearly 60 percent working in such firms at the time of the survey (for all Class B respondents, regardless of their residence). Despite this absence of illuminating explanation, however, the presence of non-Elite law school LL.M.s both in the United States<sup>91</sup> and working for internationally related firms indicates that *U.S. News* ranking does not control the career options for LL.M.s to the same extent as for J.D.s.

My focus on those LL.M.s who remained in the United States is not intended to indicate either that staying is a possibility for all—it is not<sup>92</sup>—or that staying should be a goal. Rather, the importance of analyzing the characteristics and credentials of LL.M.s who have developed careers in the United States relates to the insight it provides into the ways in which globalization is shaping the U.S. legal profession, as well as the role of international legal education in the career trajectories of lawyers. As U.S. law schools enroll more international students in LL.M. programs, the market for lawyers in the United States might begin to reflect a similar openness and interest in these graduates. Understanding the factors that predict success in staying in the United States is one step in discovering the role of globalization. In the following part, the challenges that shape

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most selective law schools practiced in the largest law firms, compared to 11 percent of graduates from schools ranked 11–20 and fewer than 5 percent in each of the other school categories).

90. All but one of the Class B U.S.-based LL.M.s working for internationally related firms earned their primary legal education in non-ESCL countries.

91. See *supra* Table 9.

92. The experience in law is not unique. See Alsop, *supra* note 57 (“Despite the current high demand for M.B.A. graduates, many international students still struggle to get a job offer—or even an interview. At Kenan-Flagler [UNC’s business school], for instance, only about 40% of the recruiters will meet with foreign nationals. The chief reasons for such resistance: the limited number of U.S. work visas and language deficiencies.”).



opportunities to stay in the United States are addressed in order to explain at least some of the patterns identified above.

### III. SHAPING OPPORTUNITIES TO STAY: BARRIERS TO ENTRY

What explains the low stay rate for international LL.M.s, particularly when compared to graduates in disciplines other than law? This part begins with a consideration of this issue, and then turns to the factors that motivate LL.M.s to stay in the United States despite these roadblocks. Interviews with LL.M. graduates and others involved in legal education and legal practice inform much of this analysis.<sup>93</sup>

The opportunities for international LL.M.s to stay in the United States are determined by external forces that combine to form a substantial barrier to students wishing to remain indefinitely, and often even to those interested in staying for a brief period of practical training.<sup>94</sup> Those influences are exerted by institutional, political, and economic forces emanating from various elements within and beyond the U.S. legal profession.

#### A. *Lack of Institutional Support*

U.S. law schools represent perhaps the most obvious institutional force affecting the opportunities of international LL.M.s, although the law schools are by no means alone in their significance. While they provide international students with a path of entry into the United States, they exude ambivalence about the students' relationship to the U.S.—and even to the U.S. legal profession—once the LL.M. studies have begun. The consequence of this disregard is that law schools are less than enthusiastically helpful in facilitating international LL.M.s to secure jobs in the United States.

The largest group of students in U.S. law schools is enrolled in J.D. programs. J.D.s are expected by their law schools to be interested in landing law-related jobs in the United States following their graduation.<sup>95</sup> The same expectation does not apply to international LL.M.s. The attitude of the law schools likely is more related to the difference in degree programs than to the international identity of students, although under current economic conditions, schools also may feel pressure to support

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93. See *infra* notes 137, 174 and accompanying text.

94. See generally Philip G. Altbach, *Higher Education Crosses Borders*, 36 *CHANGE* 18 (2004) (discussing push and pull factors for student mobility with regard to home country influences); Bangchen Pang & Nicholas Appleton, *Higher Education As an Immigration Path for Chinese Students and Scholars*, 9 *QUALITATIVE REP.* 500, 506 (2004) ("Four factors emerged in the decisions . . . to come to the United States. They were 1) desire for more education, 2) educational preparation, 3) financial support, and 4) escape from unpleasant situations in China.").

95. This expectation also may be in flux. See John Bringardner, *Lawyers Wanted: Abroad, That Is*, N.Y. TIMES, Nov. 23, 2008, at BU1 ("[R]ecruiters in Hong Kong and Dubai say they've seen a record number of New York résumés from candidates looking for law-firm or in-house legal work overseas.").

domestic students over international ones.<sup>96</sup> The weight of the *U.S. News* rankings looms large in informing this attitude of ambivalence, because the LL.M. degree is not included in the formulation of ranking considerations.<sup>97</sup> Law schools rationally respond to the focus of *U.S. News* by concentrating their energies on their J.D. students.<sup>98</sup> International LL.M. students are aware of the influence of *U.S. News* and its consequences. As one LL.M. starkly explained,

So long as the academic institutions focus on the J.D. course for purposes of school ranking and for purposes of accreditation, the LL.M. is just [a] money making project for most schools. . . . Other than those specialized LL.M.s, which are really graduate programs which have a domestic market for them, most LL.M.s don't have a domestic market.<sup>99</sup>

If international LL.M.s competed for the same jobs as J.D.s, this could be perceived by law schools (and, perhaps also students) as a conflict. The more substantial investment in legal education made by J.D. students, as well as the significance of their job opportunities for the school's reputation, compel a J.D. focus. In order to avoid a direct conflict, law schools may endorse a view of the LL.M. that is divorced from the U.S. job market. One way to do this is to direct LL.M.s back home.

The policy of ambivalence is captured by law schools' messages relating to career goals of aspiring international LL.M. students. For example, one law school explains on its website, addressing potential international applicants:

Many LL.M. . . . students choose to expand their experiences in the United States after completing their programs by looking for short-term "practical training" in law firms. The market for foreign-trained attorneys in the United States is very limited, and only a very small percentage of LL.M. and M.C.L. graduates from all United States law schools find work here. Those that do have earned excellent grades in their LL.M. and M.C.L. studies typically and then have passed a U.S. bar exam. Prospective students should be very clear about employment options before beginning graduate law studies.<sup>100</sup>

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96. See Rossana Weitekamp & Barbara Pruitt, *Foreign National Students in U.S. Plan to Return to Native Countries Post Graduation, Kauffman Foundation Survey Shows*, EWING MARION KAUFFMAN FOUND. (Mar. 19, 2009), <http://www.kauffman.org/Details.aspx?id=6852> (describing the potential negative consequence for the United States if foreign students leave after graduation).

97. International students in degree programs other than the J.D. are not the only student group excluded from the *U.S. News* rankings; transfer students also are not counted in the mix. See generally Jeffrey L. Rensberger, *Tragedy of the Student Commons: Law Student Transfers and Legal Education*, 60 J. LEGAL EDUC. 616 (2011).

98. On the influence of *U.S. News*, see Michael Sauder & Wendy Espeland, *Fear of Falling: The Effects of U.S. News & World Report Rankings on U.S. Law Schools*, LSAC RESEARCH REPORT SERIES (2007), <http://www.lsacnet.org/Research/gr/Fear-Falling-Effects-of-US-News-World-Report-Rankings-on-US-Law-Schools>. See generally Jeffrey Evans Stake, *The Interplay Between Law School Rankings, Reputations, and Resource Allocation: Ways Rankings Mislead*, 81 IND. L.J. 229 (2006).

99. Interview #62 at 2.

100. *Career Development*, USC GOULD SCH. L., <http://lawweb.usc.edu/how/gip/llm/careers.cfm> (last visited Apr. 21, 2012).

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UC Berkeley's assumptions and expectations are evident in its statement to international applicants about career services support:

Most of you are interested in an LLM or JSD as a step toward a career in research or teaching, or to enhance your law practice in your home country. Still others are looking for one of the limited number of temporary U.S. internships available to international students after graduating. A few of you intend to pursue more permanent positions with U.S. law firms or corporations. Regardless of the nature of your career counseling need, the CDO is here to assist you. When it comes to seeking long term employment in the U.S., it is important to keep in mind that an LL.M. degree is not a substitute for the three year J.D. degree. Even for those with JDs, the current job market is extremely competitive. U.S. legal employers are often not looking to hire international LLM students for positions here in the U.S. Despite the odds, however, the CDO is committed to doing all that it can to best position you for success.

*For LL.M.s: CDO Services for LL.M and J.S.D. Students*, BERKELEY L., <http://www.law.berkeley.edu/918.htm> (last visited Apr. 21, 2012). The site also includes a warning to summer LL.M.s:

ATTENTION SUMMER LL.M. Students: In addition to the extremely competitive nature of the U.S. legal job market particularly for foreign-trained attorneys, the unique structure of the summer program—combined with the legal restrictions imposed under U.S. immigration law—make it highly unlikely that summer LL.M.s will be able to work in the U.S. on a permanent or even temporary basis.

*Id.* The University of Pennsylvania Law School was one of the first to articulate this position to potential applicants, and its current version of the message still provides a thoughtful and detailed explanation:

INFORMATION FOR LLM CANDIDATES: Penn Law offers an excellent educational opportunity to those coming from countries around the world to study here for the LLM degree. To learn more about our LLM Program, please consult the Admissions section of the web page. Each year, several LLM students attempt to find employment in the United States, either permanently or on a temporary basis (e.g., several months to a year or two . . . before returning to their home countries). Unfortunately, it is very difficult for LLM graduates to find law-related jobs in the United States today. Experience has shown that only a very, very small percentage of LLM graduates from all United States law schools find work here. We want you to be very clear about your employment options before you enroll at Penn Law. This may apply to you even if you have often been the top student in all of your previous academic endeavors. If your objective is to improve your knowledge of the American legal system, an LLM degree is an excellent choice. For those of you who, despite this rather poor prognosis, continue to seek employment in the United States, the Career Planning & Professionalism Office (CP&P) provides counseling and special programs to help you in your job search process, including participation in the largest job fair for LLM candidates in the country. We offer resume and cover letter writing workshops, interviewing and networking skills seminars, and individual counseling. CP&P staffs a counselor with the sole responsibility of providing individualized career counseling services to each LLM student. Contrary to the difficulty that LLMs face finding legal positions in the United States after they graduate, many of our LLMs do obtain wonderful opportunities in their home countries.

*Information for LLM Candidates*, PENN L., <http://www.law.upenn.edu/cpp/prospective/llm/> (last visited Apr. 21, 2012); *see also Career Planning*, VA. L., <http://www.law.virginia.edu/html/prospectives/grad/career.htm> (last visited Apr. 21, 2012) ("LL.M. graduates may, however, seek permission to remain in the United States for a limited period of 'practical training' following graduation. Students should be aware that securing such positions can be challenging and will require significant effort on their parts. The Law School offers assistance to foreign students in their searches for practical training internships with leading international law firms. We also participate annually in the International Student Interview Program coordinated each year by the Columbia University School of Law and co-sponsored by the University of Virginia School of Law, the University of Chicago School of Law, the

Another school is more explicit: “The LLM program does not prepare students for permanent employment in the United States, rather the Career Center will assist students who wish to seek internships, visiting or foreign attorney positions in the US as well as enhanced employment opportunities at home.”<sup>101</sup>

Of course, not all schools convey this message of ambivalence.<sup>102</sup> Still, international LL.M.s note such messages with bemusement. As one LL.M. commented,

I find it quite odd that the law schools should be talking about people going back to their home countries. So I think that there is a disconnect here. I doubt that anybody that came here in my [LL.M.] group, other than maybe 20–25 percent, came here because they wanted to study American law and then go back to their country.<sup>103</sup>

Nor are the schools uninformed of the desires of international LL.M.s to remain in the United States. During interviews conducted in 2004 with directors of international LL.M. programs,<sup>104</sup> the tension between expectation and reality with regard to U.S. career opportunities for

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Columbia University School of Law, Harvard Law School, Michigan Law School, Stanford Law School and Yale Law School.”).

101. *LLM Programs*, Nw. L., <http://www.law.northwestern.edu/llm/> (last visited Apr. 21, 2012).

102. Other law schools are less explicit about the challenge of finding work in the United States. See, e.g., *International Graduate Law Programs: Frequently Asked Questions*, U. MIAMI SCH. L., <http://www.law.miami.edu/iglp/faq.php?op=8#21> (last visited Apr. 21, 2012) (FAQ #21: “What types of jobs can I get after graduation?” “Our LL.M. program includes students who wish to return directly to their countries of origin following graduation, seek a one year period of practical training—an “internship”—prior to returning, and some who seek permanent employment in the United States. The option that is available to you may depend on a number of factors, including your personal immigration status. We urge you to carefully examine current immigration regulations and consult with a United States consulate.”). The tone of career services information for international students at certain law schools is decidedly more upbeat. See, e.g., *LLM Prospective Students: Career Services*, U. CHI. L. SCH., <http://www.law.uchicago.edu/prospective/llm/experience/career> (last visited Apr. 21, 2012) (“Many LLM students choose to round out their educational experience by looking for short-term ‘practical training’ positions with legal employers in the United States. Although the market for foreign-trained attorneys in the United States is difficult, many LLM students from the University of Chicago are successful in finding such positions. This result is due in large part to the fact that Chicago students are highly sought after by employers. Each year our LLM students are invited to attend an interview program in New York City in which foreign-trained LLM students are selected for initial interviews by prospective employers from around the world. In January 2011, approximately 150 law offices from the United States and abroad participated in the interview program. Thirty-six LLM students from the University of Chicago attended the 2011 interview program and each of them averaged five interviews. In addition to LLM students at the University of Chicago, foreign-trained LLM students from the following law schools participate in the interview program: Harvard, Columbia, Stanford, the University of Michigan, the University of Virginia, and Yale.”).

103. Interview #62, *supra* note 99, at 2. In certain disciplines, mobility may be expected. See Morano-Foadi, *supra* note 41, at 151.

104. Most directors of international LL.M. programs have a wider portfolio, including either all graduate level (post-J.D.) degrees and students, or all international students. Here, my focus is on their particular role with international students in a post-J.D. program.

international LL.M.s was openly acknowledged.<sup>105</sup> The director of one top-ranked school, for example, explained that he asks

students when they come to [the law school] how many want to stay, and generally about 90 percent say they want a job in the U.S., even if it's for a very short period of time. My office sends students information before they arrive in the U.S. describing the current job market here, telling them not to expect to get a job here. . . . Maybe 10 percent get jobs in the U.S. Even in the late 1990s, when the job market was great, only about 15 percent got jobs in the U.S. then.<sup>106</sup>

Another school's director reported that approximately 75 percent of the class of 100 students wanted to stay in the United States following their LL.M. program, but only approximately 10 percent found jobs in the United States.<sup>107</sup> Nevertheless, while law schools facilitate the hiring of J.D. students, international LL.M.s traditionally have not been similarly supported. On-campus interviewing is a mainstay of J.D. career services at many U.S. law schools, but these interview opportunities often are off-limits for international LL.M.s. Of the thirty program directors who shared information in 2004 about international LL.M.s participating in on-campus interviewing, fifteen reported that participation was prohibited.<sup>108</sup> Another three permitted international students to participate only if an employer specifically requested that international candidates be included in the schedule. Even those schools that permitted LL.M.s to participate in on-campus interviews were unenthusiastic about their efficacy for developing job opportunities.<sup>109</sup> To be fair, the timing of fall interviewing occurs before international LL.M.s have even one semester of U.S. law school grades, upon which employers tend to place great weight. It also occurs before international students have had much time to adjust to their U.S. law school environments. But other students with somewhat similar constraints, such as transfer students whose records are based on work done in another law school, nonetheless participate successfully in the career programs at their new schools.

The division between J.D.s and international LL.M.s with regard to career support risks conflating differences in degree programs and nationality. It is useful to decouple these factors. International J.D.

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105. For a description of the research and findings, see Silver, *Internationalizing Education*, *supra* note 2. The responses of program directors through interviews and questionnaires are referred to in this Article as interviews.

106. Interview #68 at 10.

107. Interview #69 at 9.

108. The policies of schools often looked to interviewers for guidance. *See* Interview #70 at 6. In certain cases, even this was limited. As explained by one program director: "We canvas firms ahead of time" with regard to their interest in speaking with international LL.M.s during on-campus interviews, and "if an employer wants to talk with international LL.M.s, then on-campus interviewing is permitted. Otherwise, J.D. recruiting is separate." *See id.* Another school took the opposite approach and presumed that firms wanted to speak with LL.M.s during OCI unless they specifically opted out; this director reported, however, that the policy results in firms "getting LL.M. resumes and [they] don't want them, they see LL.M.s but most don't want to." *See* Interview #69, *supra* note 107, at 10.

109. According to one director, while LL.M.s may participate in OCI, "they don't get hired through on-campus interviews." Interview #71 at 7.

students may find certain jobs and job markets more welcoming, but they are not subject to different treatment in the law school with regard to career services. To the extent that international students begin migrating toward the J.D.,<sup>110</sup> support for U.S. job searches should be identical to that offered to domestic students.<sup>111</sup>

### B. Regulatory Impediments

Nationality and its accoutrements carry significance in the legal profession generally, which is manifested in a continuing reluctance to acknowledge foreign credentials.<sup>112</sup> Foreign legal education is typically recognized differently, or not at all, in determining lawyer licensing eligibility and job opportunities, both in the United States and overseas.<sup>113</sup> And while nationality itself is not a barrier to bar eligibility in the United States, other countries have conditioned certain practice rights on this basis.<sup>114</sup> Differences between foreign and U.S. legal education, law, and the role of lawyers have been cited as meaningful in trade negotiations and regulatory debates over recognition of foreign lawyers and legal education.<sup>115</sup> The more disparate the assessment of foreign legal education

110. While it is beyond the scope of this article to address the movement of LL.M.s into J.D. programs, this is a topic of future research.

111. Cf. Kemba J. Dunham, *Foreign M.B.A.s Find Degree Translates into Fewer Job Offers*, WALL ST. J., Dec. 17, 2002, at B4 (describing immigration and language issues as the basis for employers distinguishing between domestic and foreign M.B.A. students).

112. Compare this approach with that of medical education for psychiatry, where international (non-U.S.) medical school is the source of education for approximately one-quarter of U.S. medical residents, according to records compiled by the American Psychiatric Association. See *Resident Census: Characteristics and Distribution of Psychiatry Residents in the U.S. 2010–2011*, AM. PSYCHIATRIC ASS'N 15 (Dec. 2011), <http://www.psych.org/MainMenu/EducationCareerDevelopment/EducationalInitiatives/residentcensus/1011census.aspx?FT=.pdf>.

113. See *Rule 520.6 Study of Law in Foreign Country; Required Legal Education*, N.Y. ST. BD. L. EXAM'RS, <http://www.nybarexam.org/Rules/Rules.htm#520.6> (last visited Apr. 21, 2012). See generally Carole Silver, *Regulatory Mismatch in the International Market for Legal Services*, 23 NW. J. INT'L L. & BUS. 487 (2003) (analyzing U.S. state rules on admission of foreign law graduates, including an assessment of recognition of foreign legal education).

114. China, for example, does not permit foreign nationals to become licensed as lawyers. See 2008 Measures for the Implementation of the National Judicial Examination, Art. 15 (Lawinfochina) (China) ("Article 15: Any person satisfying the following conditions may sign up for the national judicial examination: 1. having the nationality of the People's Republic of China; 2. abiding by the Constitution of the People's Republic of China, and enjoying the rights to elect and to be elected; 3. having full capacity for civil conduct; 4. having a bachelor degree in law of an institution of higher learning, or in a major other than law but having professional knowledge of law; and 5. having a good record of conduct."). In addition, EU Directive 98/5/EC conditions the right of license mobility on citizenship in an EU Member State. See Council Directive 98/5/EC, art. 1, 1998 O.J. (L 77) 36, 41 (EC) (defining "lawyer" to include nationality in an EU Member State).

115. See, e.g., SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, COUNCIL STATEMENT ON LL.M. AND OTHER POST-J.D. DEGREES AND QUALIFICATION FOR ADMISSION TO PRACTICE, available at [http://www.americanbar.org/content/dam/aba/migrated/legaled/accreditation/Council\\_Statements.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/legaled/accreditation/Council_Statements.authcheckdam.pdf) ("It is the long-standing position of the Council of the Section of Legal Education and Admissions to the Bar that no graduate degree is or should be a substitute for the J.D., and that a graduate degree should not be considered the equivalent of the J.D. for bar admission purposes."); SECTION OF LEGAL

compared to that offered in the United States, the more likely it is to be ignored by state regulators and perhaps even the hiring market. This is evident in the preference for ESCL graduates described earlier.<sup>116</sup>

These issues are bound up in the role that regulation plays as an impediment to international LL.M.s' efforts to develop careers in the United States. The lawyer licensing rules of many states recognize only the J.D. degree for purposes of bar eligibility.<sup>117</sup> For international LL.M.s, working in such a jurisdiction may be impossible.

While each state is free to adopt its own standards for bar eligibility, many defer to the ABA's Section of Legal Education and Admissions to the Bar. The Section is the central hub for bar admission and eligibility issues, and it has steadfastly clung to the notion that only the J.D. earned in an ABA-approved law school will suffice to prepare students for practice.<sup>118</sup> Recently, however, at the urging of the Council of Chief Justices of the

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EDUC. & ADMISSIONS TO THE BAR, ABA, PROPOSED MODEL RULE ON ADMISSION OF FOREIGN EDUCATED LAWYERS 1 (2011) [hereinafter PROPOSED MODEL RULE], *available at* [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/20110420\\_model\\_rule\\_and\\_criteria\\_foreign\\_lawyers.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/20110420_model_rule_and_criteria_foreign_lawyers.authcheckdam.pdf) (proposing a "Model Rule . . . to aid state courts and bar examiners in identifying LL.M. programs that meet specific criteria designed to prepare graduates of foreign law schools to take the bar examination and to practice law in the United States").

116. *See supra* Table 6 and accompanying text.

117. *See* NAT'L CONFERENCE OF BAR EXAM'RS & ABA SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, COMPREHENSIVE GUIDE TO BAR ADMISSION REQUIREMENTS chart 4 (2011) (bar eligibility based on foreign legal education).

118. "The Council of the Section of Legal Education and Admissions to the Bar has adopted a statement that no post J.D. or other graduate program is a substitute for the J.D. and should not be considered the equivalent of the J.D. for bar admission purposes." *Overview of LL.M. and Post J.D. Programs*, SECTION OF LEGAL EDUC. & ADMISSIONS TO THE BAR, ABA, [http://www.americanbar.org/groups/legal\\_education/resources/llm-degrees\\_post\\_j\\_d\\_non\\_j\\_d.html](http://www.americanbar.org/groups/legal_education/resources/llm-degrees_post_j_d_non_j_d.html) (last visited Apr. 21, 2012). The Council's public position on the issue is as follows:

In the past few years, there has been a large increase in the number of graduates from schools located outside the United States enrolled in advanced degree programs (such as the LL.M.). In fact, roughly half of all the individuals currently enrolled in LL.M. programs are graduates of foreign law schools. Upon graduating, many of these individuals return to their home country without seeking or obtaining bar licensure in the United States. However, an increasing number of these individuals seek to be admitted to a state bar. Unlike the J.D. degree bestowed by an ABA-approved law school, which carries the indicia that the holder of that degree has completed a course of study imparting standards entitling him or her to engage in the practice of law, advanced degree programs at ABA-approved law schools are not regulated, and thus, not "approved." As a result, such degrees vary in content and rigor. In other words, the American Bar Association does NOT accredit degrees of any kind other than the J.D. It is the position of the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association that no graduate degree in law (LL.M., M.C.L., S.J.D., etc.) is or should be a substitute for the first professional degree in law (J.D.) and that no graduate degree should substitute for the J.D. in order to meet the legal education requirements for admission to the bar.

*See Post J.D. Programs by Category*, *supra* note 10 (discussed under the heading "A Note to Graduates of Law Schools Located Outside the United States: Degrees Other than a J.D. and Bar Admissions").

State Supreme Courts,<sup>119</sup> the Section designated a subcommittee to consider development of a mechanism to recognize foreign legal education as an element of bar eligibility.<sup>120</sup> But the proposal, as of this writing, denies recognition to foreign legal education unless an applicant also has qualified to practice based on the foreign legal education.<sup>121</sup>

Nevertheless, foreign legal education—either alone or in combination with study in a U.S. law school—long has been recognized as a path to bar qualification by New York, among other select U.S. jurisdictions. New York occupies a leading role in the United States in terms of access and significance for international lawyers.<sup>122</sup> It is the U.S. jurisdiction in which most international students choose to sit for the bar.<sup>123</sup> Still, and despite the large number of international applicants in New York, the vast majority of LL.M.s do not pursue the LL.M. in order to qualify for the bar. In fact, 84 percent of the 360 LL.M.s who responded to the survey reported that bar eligibility was not a significant motivating factor for their decision to pursue the LL.M.<sup>124</sup> For those who find bar eligibility important, however, New York's approach presents a significant opportunity. One LL.M.

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119. The request seems to have grown from two sources. First, a response to outreach from Australian bar authorities, aimed at gaining recognition of the similarity of Australia's common law legal education as adequate preparation for practice in the United States. Second, state courts increasingly are asked to assess foreign legal education in the context of applications to waive the rules on bar eligibility and legal education. CCJ Resolution 8, adopted in 2007, encouraged the ABA to develop a policy to certify the foreign common law legal education programs: "[The CCJ] urges the American Bar Association Section on Legal Education and Admission to the Bar to consider developing and implementing a program to certify the quality of the legal education offered by universities in other common-law countries." *Resolution 8 Regarding Accreditation of Legal Education in Common Law Countries by the ABA Section on Legal Education and Admission to the Bar*, CONF. CHIEF JUSTS. (Feb. 7, 2007), <http://ccj.ncsc.dni.us/LegalEducationResolutions/resol8AccredLegalEducCommonLawCountries.html>. A companion resolution urged state Supreme Courts to permit Australian lawyers to sit for a bar examination. See *Resolution 7 Regarding Authorization for Australian Lawyers to Sit for State Bar Examinations*, CONF. CHIEF JUSTS. (Feb. 7, 2007), <http://ccj.ncsc.dni.us/LegalEducationResolutions/resol7AustralianLawyersStateBarExams.html>. While a subcommittee of the Section has proposed a model rule for recognizing the LL.M. as an element towards bar eligibility, along with home country education and licensing, in the interim, the CCJ resolution calling for help in assessment has been rescinded.

120. I was a non-voting liaison member of the subcommittee. For more information, see PROPOSED MODEL RULE, *supra* note 115; *id.* at 6 (Proposed Criteria for ABA Certification of an LL.M. Degree for the Practice of Law in the United States).

121. See *id.* at 2 ("The Model Rule includes a requirement that the applicant be 'authorized' to practice law in a foreign jurisdiction. The meaning of 'authorized' is discussed in the Comment to the Model Rule. The comment does not resolve the issue of exactly what it means that an 'applicant can, in his or her own country, engage in the activities which are generally considered to be the practice of law in the United States.'").

122. See *supra* note 106 and accompanying text.

123. Of the 360 respondents to the survey, 139 were admitted to practice in the United States. 83.5 percent of those admitted in the United States were licensed to practice in New York.

124. 28 percent of respondents who identified "qualifying for the bar exam" as a motivation for enrolling in the LL.M. stayed in the United States after graduating and continued to work in the United States at the time of their survey response, as did 16 percent of respondents who did not identify "qualifying for the bar exam" as a motivation for enrolling in the LL.M.



graduate addressed this, explaining that some of his classmates “get this LL.M. as a bill to enter the U.S. legal market, because this LL.M. . . . allow[s them] to take [a] bar exam.”<sup>125</sup>

Despite New York’s openness, the bar qualification process hampers the efforts of many international students to build careers in the United States, and in this way the LL.M. degree’s popularity with international students shades their experiences in distinctive ways compared to international students who study in other fields, such as economics or business. It may well be an important reason why the stay rate for international law students is lower than that for international students in other disciplines. The influence of the bar permeated the story of one graduate, then (and still) working in the Chicago office of a global U.S.-based law firm. The lawyer, identified here as Mitchell,<sup>126</sup> finally had been admitted to practice in Illinois just weeks before we spoke. He described the enormity of the challenge presented by Illinois’s restricted bar eligibility rules to his ability to build a career in the United States. Referring to bar eligibility, he explained:

[T]his keeps coming up again, again, and again. You know, it’s a huge issue because the U.S. is extremely attractive for people to work in. The labor market is very, very fluid in everything but law, it seems. It’s very difficult actually getting here and getting practicing and then [to] actually get a job. Because a lot of the big law firms won’t look at you unless you’re going to get qualified. Understandably so. And so, I find a lot of the states are really kind of difficult still.<sup>127</sup>

At the time Mitchell finished his LL.M., he already had been admitted in three jurisdictions: his home country of Australia, England, and New York:

Well the most ridiculous thing about that, if I may say, is that I already had it [the bar] in New York. I was already admitted in New York. . . . It’s interesting when you go to England, because I’m admitted in England as well. If you’re a common law lawyer, at least as an Australian, the system is very similar. We just have to do ethics and trust accounting, which isn’t very hard. It’s a little bit of a hassle, but you do it and you get in. So you understand the local ethics rules and then you’re in. . . . English people go to Australia [and] they have [to] do constitutional law, because their constitution is different. Otherwise you’re in. If English people go to Canada, they have to do tax and constitution[al law], depending on what the board says. Then you’re in. That’s not too hard.<sup>128</sup>

But in order to sit for the bar in Illinois, he had to apply for an exemption from the state rules. To do that, he was required to arrange for an affidavit from his U.S. law school dean, and a second from a partner in his law firm who also had been “an ex-president of the Chicago Bar Association [to the effect that] ‘you see, he’s pretty smart, he should sit the bar.’” Just

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125. Interview #61, *supra* note 68, at 18.

126. A pseudonym. All names of LL.M. graduates in the paper are pseudonyms, used only for purposes of clarification.

127. Interview #60 at 1.

128. *Id.* at 4.

ridiculous stuff. It goes all the way up to the Illinois Supreme Court.”<sup>129</sup> He would not have been promoted to partner without the bar, and he could not have remained with the firm without the promotion.

Other LL.M. graduates reported that their hiring by law firms in the United States was affected by bar status, even if only temporarily. According to one partner of a U.S. International firm, “I was technically kind of hired as a foreign associate until I passed the bar.”<sup>130</sup> While the international identity of the students may feel like the target—as illustrated by this reference to being hired as a “foreign” associate—the conflict actually is focused more on whether the LL.M. serves as a qualifying degree, which in turn implicates the unwillingness of bar authorities to tackle evaluating foreign legal education’s relevance to preparation to practice in the United States.<sup>131</sup>

The matter of bar eligibility serves both as a benefit and burden to international LL.M.s. As a positive, the opportunity to take a bar exam and become U.S.-licensed is an enormous advantage for international LL.M.s who study in the United States, as compared to students who earn their degree in other jurisdictions. As a partner of a global law firm explained, “The huge advantage of the U.S. is the route to the New York bar. For the U.K., the LL.M. is not a path to qualification.”<sup>132</sup> Substantively, even preparing for the exam is seen by some as a positive experience. An LL.M. graduate explained,

It was suggested to me by a friend who I had met there [at a U.S. law school], who had been there the year before, and he had done . . . [the New York bar] and he described it as a very beneficial experience. . . . You get a complete overview of U.S. law, the black letter law in a short period of time, and it’s very organized, very structured.<sup>133</sup>

In fact, one partner of a U.S. International Am Law 100 firm suggested that all international LL.M. students should take a bar review course, and he considered the bar itself a beneficial exercise precisely because it provided a comprehensive overview of U.S. law. He reported that he cared little about whether an LL.M. passed the bar, only that they went through the bar preparation process.<sup>134</sup>

But to some international LL.M. graduates, the importance of the bar for purposes of working in the United States can come as a surprise. An LL.M. from Peru, Mara, moved to Texas to be near her husband after earning her LL.M. She described being

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129. *Id.* at 3.

130. Interview #59 at 8.

131. In this regard, the experience and approach of the European Union represents a significant contrast. *See, e.g.,* Julian Lonbay, *Assessing the European Market for Legal Services: Developments in the Free Movement of Lawyers in the European Union*, 33 *FORDHAM INT’L L.J.* 1629, 1629–30 (2010) (“There is no need for lawyers within the European Economic Area (“EEA”) to ‘sneak around’ in order to practice in multiple jurisdictions, as U.S. lawyers must do for the most part.”).

132. Interview #3 at 4.

133. Interview #58 at 6.

134. Interview #57 at 2.

really disappointed because nobody wants a foreign attorney. That's a real truth. And I wasn't barred yet. I hadn't taken the bar. . . . I thought it wasn't going to be necessary. I thought with the LL.M. you were going to get a great job; and speaking English and Spanish, and Houston has a lot of Spanish influence and commerce and all that stuff. But what a great disappointment, nobody wanted me as an attorney.<sup>135</sup>

After investigating her options for the bar, Mara signed up to take the New York bar exam. She began a bar preparation course, but

two weeks after my registration, I realized I'm never going to pass this test. This is too much for me; I don't understand anything. I don't know what is a tort. I have never heard those words in my life. . . . [T]here [were] a bunch of foreigners in this BarBri course that [were] feeling the same as me, and failed the bar . . . the first time. So I had to take it again, and again, and again until I passed it. . . . I took it five times.<sup>136</sup>

Even after she passed the New York bar, opportunities did not materialize. "[N]obody wanted a New York attorney in Houston. I could not take the . . . Texas bar because I didn't comply with the requirements for foreigners. . . . So I was really mad. I'm thinking, all this time and money and whatever, and I still cannot work."<sup>137</sup> Eventually, Mara moved to another U.S. jurisdiction where her New York license allowed her to waive in.

An equally distressing story was told by a French LL.M. graduate, Julia. She enrolled in the LL.M. program because her husband was pursuing a post-doctoral program in the United States. After earning her degree, Julia sat for the bar multiple times, each time improving her score but never reaching the passing cut-off. Eventually, she "gave up on that. I made peace with myself, it's okay, I'm not going to be a U.S. lawyer." Her energy shifted, instead, to taking care of her growing family. Julia explained her surprise over the significance of not passing the bar:

I was not aware, as a French person, of the importance, . . . the very big difference . . . . The main difference between the French job market for lawyers and the U.S. job market is that the bar is not this requirement that you have to have. In France, the bar is for practicing court attorneys. So you can have an in-house position . . . never having even sat for the bar; employers won't require it from you. So that's why I [was] fairly hopeful I could find something here a little bit more equivalent to my background.<sup>138</sup>

Instead, she worked as a project manager and paralegal for an Am Law 100 law firm with international offices. She explained, "[W]hen I introduce myself to the attorneys that I support here, I made a point to tell them my background, because I want them to know that I have an LL.M. . . . I actually am overqualified . . . ."<sup>139</sup>

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135. Interview #56 at 10.

136. *Id.* at 10–11.

137. *Id.* at 12.

138. Interview #55 at 21.

139. *Id.* at 15.

Mara and Julia represent the international LL.M. group whose work in the United States risks becoming “brain waste.”<sup>140</sup> While a recent World Bank study found “brain waste” generally an exception among highly educated immigrants, for some LL.M.s it is a serious concern.<sup>141</sup>

### C. Economic Influences: Where the Jobs Are (Not)

Economic factors, as exhibited in the preferences of legal employers in the United States, also contribute to framing the opportunities available to international LL.M.s. Firms’ preferences for LL.M.s from ESCL countries were evident in the data described in Part II above. The U.S. market for lawyers is primarily a market for U.S. lawyers.<sup>142</sup> This is a point not universally appreciated by LL.M.s.

Instead, many international LL.M.s describe their ideal job as practicing in the U.S. office of a U.S.-based global firm on the basis of their home country legal expertise. Unfortunately, this is rarely an option. Most of the work performed in the U.S. offices of law firms, even global firms, is grounded in U.S. law. The work generally is performed in English. It is imbued with a precision of language and technical understanding that is very difficult to reach for someone whose first language is not English and who completed only one year of coursework in a U.S. law school.

Law firms tend to approach staffing their offices in a locally determined way. Rather than take what once was described as the “tossed salad” approach to lawyer staffing—in which lawyers from a variety of countries work together in a single office—most firms take an opposite approach: they rely primarily on locally educated and locally licensed lawyers in each office, whether the offices are located in the United States<sup>143</sup> or overseas, creating pods of isolation with regard to home country and legal education. In most instances, the LL.M. is not itself sufficient to cause global U.S.-

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140. See Aaditya Matoo, Ileana Cristina Neagu & Çağlar Özden, *Brain Waste? Educated Immigrants in the US Labor Market*, 87 J. DEV. ECON. 255, 256 (2008) (“The large variation in the likelihood of obtaining skilled jobs among migrants with similar education levels but from different countries may suggest that the skills of migrants from certain countries are being underutilized. However, a large proportion of the variation in occupational placements of immigrants can be explained by indicators of the quality of the migrants’ human capital. This fact indicates that underplaced migrants suffer primarily from low (or poorly transferable) skill levels rather than skill underutilization.”).

141. Morano-Foadi, *supra* note 41, at 136 (“The concept of *brain waste* describes the deskilling that occurs when highly skilled workers migrate into forms of employment not requiring the application of the skills and experience applied in the former job.”); John Gibson & David McKenzie, *Eight Questions About Brain Drain*, 25 J. ECON. PERSP. 107, 111 (2011) (“The stereotype of foreign workers with Ph.D.s driving taxis is certainly the exception; only 2 out of 1,936 developing country migrants with Ph.D.s in the American Community Survey sample are taxi drivers.”).

142. That is, globalization is an influence on the firm regarding overall staffing and strategy, but not permeating its activities. See Ballakrishnen, *supra* note 9, at 2458–62; see generally Carole Silver, Nicole De Bruin Phelan & Mikaela Rabinowitz, *Between Diffusion and Distinctiveness in Globalization: U.S. Law Firms Go Glocal*, 22 GEO. J. LEGAL ETHICS 1431 (2009).

143. In the case of the United States, “local” here refers to the United States as a whole rather than a particular state for purposes of legal education.

based firms to consider students who otherwise would not have been viable candidates. Instead, according to one LL.M. program director, global firms hire LL.M.s “because of what they bring to the table with foreign contacts and language skills.”<sup>144</sup> He explained that “[f]irms [in the United States] hire for business considerations rather than for a critical project, although occasionally this happens, too. More often, firms want to develop an association with a student’s firm in the home country, or they have a business relationship with a corporation.”<sup>145</sup> This does not necessarily mean that only those who were well-connected at home will find positions in the United States, but it helps.<sup>146</sup>

When firms vary from this local orientation in hiring, they often use different criteria to evaluate potential applicants. It may be difficult for firms to assess the home country academic credentials of international LL.M.s.<sup>147</sup> Practice experience, however, may attract attention if it is in a field or organization that is familiar. This was the case with Mikail, a Ukrainian LL.M. who worked at a Wall Street law firm at the time of our interview in 2006. Prior to beginning the LL.M., he had been working in the Ukraine on foreign investment regulation and transactions, and then began working for a U.S.-based law firm to support its work in the Ukraine and the region.<sup>148</sup> Mikail was convinced that

in the majority of case[s], LL.M.s, especially LL.M.s with work experience before, can do as good [a] job, if not better, than J.D. students,

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144. Interview #70, *supra* note 108, at 7.

145. *Id.* at 6.

146. Relationships developed in the United States also led to jobs for LL.M.s. These include relationships with friends made in their U.S. law schools, such as other LL.M.s, J.D.s, and faculty. One LL.M. who earned her degree from a Class A school was helped by a J.D. student who later became her husband, who used his pre-law relationships to help her find work in an accounting firm. *See* Interview #78 at 7–8. Another LL.M., who attended a Class C school, relayed an amusing story about how he obtained his first job in the United States after graduation: “I’m jogging on Massachusetts Ave., and from a bus, one of my friends [from the Law School] . . . and who was working [for an NGO], shouted from the window, ‘I’m leaving for India, I’m transferring, do you want my job?’” *See* Interview #63 at 17.

147. *See* Dunham, *supra* note 111 (“Between 30% and 40% of most classes at the top business schools are made up of international students, and many often want to stay in the U.S. But they are often being squeezed out—and not just because of the economy. Employers are also growing more reluctant about such students because of stringent immigration rules.”). Dunham also describes the ability of potential employers to exclude international students from on-campus interviews. *Id.*

148. Mikail describes his background:

The government was adopting new laws—commercial law, business entities—every month there was a new law. It was very stressful. My dad was a lawyer and he said, “I’m not going to read all this law.” But for me it was actually fascinating, and my friends . . . we felt this is our opportunity, because we were open to these new concepts. And we took it, we were reading it very carefully, and we got sort of a competitive advantage because these practitioners . . . for them . . . it was a . . . foreign concept. So that’s how we found this niche . . . we started the law office . . . a little firm, where we tried to provide this legal service to all these new entrepreneurs in the Ukraine by setting up their own business, giving them advice on the new . . . tax law and the corporate law. So that was actually . . . a good time.

Interview #61, *supra* note 68, at 3.

especially [in the] first year. In the first year, [J.D.s] just don't know anything, so there is [a] certain competitive advantage to the LL.M. student with work experience, job experience . . . .<sup>149</sup>

While LL.M.s in the United States are most likely to work for an internationally related law firm, outside of the United States the most common work setting is in national firms that have no international footprint. For these Foreign firms, which do not support overseas offices, the LL.M. is a substantial asset.<sup>150</sup> Fifty-two percent of all LL.M.s working outside of the United States in private firms practiced in firms in this "Foreign" category,<sup>151</sup> or 41 percent of all respondents worldwide working in private firms. For LL.M.s who return to work for Foreign firms, "The LL.M. is a badge. The bar is a badge. People judge you by how many badges you've got."<sup>152</sup> In contrast, U.S. International firms housed only 25 percent of all LL.M.s working in private firms worldwide. This trend is confirmed by a related study of more than 8,000 lawyers working outside of the United States for a group of 64 U.S.-based firms (each of which would fall into the U.S. International category).<sup>153</sup> The study found that only 14 percent of the lawyers had earned a U.S. LL.M. degree after completing their primary legal education outside of the United States.<sup>154</sup>

#### *D. The Political Challenges of Globalization*

Political forces in the guise of immigration and other regulatory policies are a final influence shaping the opportunities of international law graduates, in much the same way they affect all international students.<sup>155</sup>

149. *Id.* at 19.

150. See Silver, *supra* note 3, at 29–33.

151. This excludes solo practitioners.

152. Interview #60, *supra* note 127, at 3.

153. See generally Silver, Phelan & Rabinowitz, *supra* note 142 (discussing staffing practices for international offices of sixty-four U.S.-based law firms).

154. See Silver, *supra* note 3, at 16 fig.1.

155. Regulation can pull international law graduates back to their home countries as well as present barriers to staying in the United States. Some LL.M.s return to finish the process of becoming licensed. In countries with a practical training requirement, this may yet need to be completed. German students often schedule the LL.M. to take up time that otherwise would be spent waiting for an ideal spot in one of the practical training rotations. As one student explained his path after the LL.M.: "Well, for the referendariat I wasn't a qualified lawyer, so I was . . . looking for . . . just for an internship position. . . . I did my referendariat in Hamburg at a firm . . . and I . . . continued working on my thesis . . . ." Interview #51 at 9. Other students return to fulfill national service obligations, see, e.g., Interview #48, *supra* note 58, at 3, or to satisfy the conditions of funding, for example. Typically, this is in the form of a J-visa restriction, to which fellowships such as the Fulbright are tied—a condition that expects a home country commitment for two years following the completion of the U.S. degree. A student from Africa explained that a term of a Fulbright grant is that "[y]ou have to go back home, and you have to make sure you work at home. And if you want to come back for anything in the U.S., you have to make sure you have stayed in your country for two years." Interview #52 at 14. Another Fulbright scholar, from Germany, commented, "[S]ince I had to go back to do my second state exam, [staying] wasn't really an option. Also with the Fulbright scholarship, you were required to go back. But I think if I had already had my second state exam at that time, I would have tried to stay for a couple of years to work there." Interview #50 at 13.

While nearly all international LL.M.s qualify for a one-year practical training visa after completing the LL.M., staying past the additional year is neither certain nor without cost.<sup>156</sup> As one LL.M. graduate, Shriya, explained,

I mean, this is not just a[n] LL.M. [problem], but just as somebody . . . coming from another country, there are immigration issues. And immigration issues can really limit your career options and choices, and that is a huge thing. There are so many aspects of it, I mean, if you're trying to get a green card, depending on which route you're using to get it, you can be tied to your present employer.<sup>157</sup>

The uncertainty caused by these restrictions presents a roadblock for some LL.M.s in their pursuit of opportunities in the United States. Shriya continues:

So that is a thing to consider because you can be sitting at the same place for years, not because you want to be there, [but] because you *have* to be to get your papers in order. The second aspect of it, of course, [is] that you feel less marketable because you're already going for these jobs that every other person in the big law firm is going for, yet you have to show and tell them you also need them to do XYZ for you [referring to the Green Card application process]. So it's hard . . . I have friends who, actually LL.M.s from the year below me, went to firms like [C] . . . and [S] . . . and places, and those firms refused to do Green Card sponsorships, and they quit. They had to get other jobs and go to firms that would [sponsor them] . . . [My current firm] is actually good, they will do it. If they like you, they will do it. So that's that. So I think a lot of the choices that people make until they have their Green Cards is governed by that. . . . And it's so frustrating because you feel like you've been educated here and you paid your tuition fees here and you've worked here and contributed to the economy, and it should not be so hard to get. That's sad, it's really very frustrating . . . . And you know, all my friends have this problem pretty much, my friends from school. But a lot of them have been lucky in that they have either married U.S. citizens or somehow or another the situation has gotten resolved for them.<sup>158</sup>

Shriya had not been "lucky" with regard to marriage, and she had to address her immigration status for more than five years after graduating.<sup>159</sup> The

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156. This is a challenge for international students in many disciplines, including business. See Dawn Rhodes, *An American MBA, but Few Job Prospects*, CHI. TRIB., Nov. 22, 2010, at 19 ("[O]ne of the biggest hurdles facing international [MBA] students . . . is whether they can work in the United States once their student visas expire. Most can't, and they fight an uphill battle to find a job in the country's shrinking job market. . . . 'Our advice to our international student population is they really do need to look at returning home as an option,' said Mark Brostoff, career center director at the Olin Business School at Washington University in St. Louis.").

157. Interview #54, *supra* note 37, at 15.

158. *Id.* at 16.

159. See Gibson & McKenzie, *supra* note 141, at 114 ("[T]he United States H1-B visa program (the main temporary residence category for admitting skilled workers) issued visas to an average of 130,000 workers a year over the 2000s, reaching a peak in 2007 at 154,000, and dropping in 2009 back to 110,000. It is worth noting how small this magnitude is—less than one skilled worker admitted per 1,000 population.").

visa restrictions constrained her from taking another job, because her current employer was funding her application for immigration.

Immigration issues are not limited to post-graduation decisions. They also may be implicated in an international student's choice of which degree to pursue. In this way, they factor into initial and subsequent choices about the nature of an international student's relationship to the United States. Because it is more likely that a J.D. graduate will be hired to work in the United States, for example, it also may be easier for J.D. applicants to obtain an H-1B visa, which allows for longer-term residency. These issues shaped the decision of another LL.M. graduate to pursue a J.D. degree after the LL.M. He had obtained a one-year visa to pursue practical training after the LL.M., and had been working as a foreign associate in New York, but he wanted to stay longer because of a personal relationship. This was in 2002, when immigration had tightened considerably in the wake of 9/11. Since he could not extend his visa indefinitely, he decided to enroll in a J.D. program that would take him just two years after the LL.M. This temporarily resolved his visa issues.<sup>160</sup>

A number of the external influences described in this part, including bar eligibility, employment preferences, law school career support, and immigration policies, can negatively affect international LL.M.s in ways that likely do not influence international students in other fields.<sup>161</sup> But despite these barriers, certain LL.M.s nevertheless try to develop careers in the United States. Their reasons, described below, are the final step in understanding the ways in which the presence of international students is an element of globalization's influence on the U.S. legal profession.

### *E. Individual Choices*

Given the challenges described above, why do international LL.M.s even contemplate remaining in the United States? Staying involves a complex decision for most LL.M. graduates. Indeed, it typically encompasses a series of decisions, made over time as successive challenges arise and are addressed. LL.M.s described their motives for staying as professional—including a desire to work in areas in which U.S. lawyers were more advanced than the lawyers in their home countries, and to gain experience that would be highly valued at home; personal—such as the desire to stay with a partner that they met during their year in school in the United States, or with the partner who accompanied them to the United States and whose career required a lengthier stay; political—including avoiding persecution at home and enjoying personal liberties in the United States; and economic—money matters here as elsewhere—as one LL.M. graduate explained, “We can’t forget that the salaries here are just astronomical compared to anywhere else in the world for first-year lawyers.”<sup>162</sup>

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160. Interview #53 at 31.

161. See Ballakrishnen, *supra* note 9, at 2442–43 (transferability of education generally is a significant limiting factor for LL.M.s).

162. Interview #54, *supra* note 37, at 19. This also is relevant to limited funding opportunities for the LL.M.s.



In many respects, the motivations of international LL.M.s are no different than those of any international student, regardless of discipline. The desire to engage in cutting-edge legal practice in the United States, working with elite firms while earning substantial salaries, might be analogous to working at Apple or Google for international graduates in the science and engineering fields.<sup>163</sup> From these opportunities, students derive the benefit of working with key experts who support their professional development, and capitalize on the high salaries characteristic of elite U.S. law firms.<sup>164</sup> Some international students are more interested in the signal of competitiveness that a U.S. job conveys. They describe their quest as linked to a personal drive that equates a U.S. job with success, which may be more characteristic of law than other fields. A 1999 graduate remembered his decision to look for work in the United States as related to his sense of competition with his classmates:

[A]ll these people, . . . all the LL.M.[s] . . . were getting jobs and I didn't, so it was kind of challenging *myself*, saying why didn't I get a job? . . . All of these guys were talking all the time . . . about how important it was to continue your education in a law firm here.<sup>165</sup>

Limited professional opportunities and overall satisfaction levels at home also factor into the decision to stay in the United States.<sup>166</sup> As Abdelmalek Sayad explains, "One country's immigration is another country's emigration. The two are indissociable aspects of a single reality, and one cannot be explained without reference to the other."<sup>167</sup> Mara, the Peruvian LL.M. described earlier, found the job market in the United States very difficult but nonetheless stayed here because "there were no jobs at home.

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163. These sorts of considerations of exposure to expertise and reputational elites may be most relevant for LL.M.s who intend to return home after a period of working in the United States. A lawyer working in the China office of a U.S.-based international firm explained, "If someone has only an LL.M. and the bar . . . there is no big advantage. The advantage comes from working experience in the U.S.'" Silver, *supra* note 3, at 42. Legal practice experience outside of China is as essential as U.S. legal education. *Id.* In addition, regulatory differences also matter: "Because Chinese regulation requires a foreign license, foreign legal education is the crucial entry point." *Id.*

164. See Millard, *supra* note 39, at 355 (describing access to international professional networks in the scientific community as a key advantage to mobility).

165. Interview #67 at 15.

166. See, e.g., Ronald Inglehart et al., *Development, Freedom, and Rising Happiness: A Global Perspective (1981–2007)*, 3 PERSP. ON PSYCHOL. SCI. 264 (2008) (suggesting that a nation's subjective well-being is positively correlated with an increase in individual free choice); Jayanth K. Krishnan, *Academic SAILERS: The Ford Foundation and the Efforts to Shape Legal Education in Africa, 1957–1977*, 52 AM. J. LEGAL HIST. (forthcoming Apr. 2012) (explaining that the shift from American lawyers and law faculty going to Africa under the auspices of the Ford Foundation's SAILER (Staffing of African Institutions of Legal Education and Research) program to the opposite flow, from African to U.S. law schools, related to changing political conditions in Africa, among other things); Michael Minkov, *Predictors of Differences in Subjective Well-Being Across 97 Nations*, 43 CROSS-CULTURAL RES. 152 (2009) (ranking countries with regard to "subjective well-being"); see also WORLD DATABASE HAPPINESS, <http://worlddatabaseofhappiness.eur.nl/index.html> (last visited Apr. 21, 2012).

167. SAYAD, *supra* note 37, at 1.

My friends said, 'Don't come.' One friend [a lawyer] has been two years out of work."<sup>168</sup>

Still, professional or economic opportunity rarely was the sole reason for staying in the United States. Rather, as Mara's experience reveals, the decision is complicated by personal matters: she had married an American before leaving Peru, which provided the impetus for enrolling in the LL.M. and for initially trying to stay in the United States after graduating.

Personal factors very often influence the decision to stay in the United States, whether they come into play as the choice is made initially after graduation or subsequently, when the decision to stay or return is revisited. As one young lawyer simply put it when explaining why he wanted to stay after his LL.M., "I met a girl."<sup>169</sup> Even when personal matters do not shape the initial decision to stay in the United States, they often factor into some aspect of the decision as it evolves during the development of the LL.M.'s career and life post-graduation, and particularly as staying becomes more difficult.<sup>170</sup> This was the case with Julia, the French LL.M. mentioned earlier,<sup>171</sup> who never passed a bar exam in the United States. She remained in the United States because of her husband's job, despite the serious constraints on her own career.

The pull of the United States with respect to personal concerns also includes political overtones for some LL.M.s. For example, one graduate explained that his sexual orientation was not accepted at home.<sup>172</sup> Another described his desire to stay in the United States as motivated in part by his sense of exclusion from professional opportunities at home because of his religion.<sup>173</sup>

Personal and professional motives connect the experiences of international law students to those of all international students, and to immigrants generally. According to Heike Alberts and Helen Hazen, uncertainty is the norm among international students with respect to intentions to return home after completing their studies. They write that "in most cases the situation [of staying] was nowhere near . . . premeditated."<sup>174</sup>

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168. Interview #56, *supra* note 135, at 7.

169. Interview #60, *supra* note 127, at 14.

170. Family considerations become significant for many LL.M.s after they initially decide to remain in the United States. For example, one LL.M. explained that he returned to the United States with his family for work after living for eight months in his home country. They had had a son, his "wife was unhappy . . . so she want[ed] to go back" to the United States. Interview #83 at 17; *see also* Pang & Appleton, *supra* note 94, at 515 (noting the importance of family reasons for staying in the United States, although the authors there focus on offering children a brighter future).

171. *See supra* notes 138–39 and accompanying text.

172. Interview #88 at 22; *see also* Pang & Appleton, *supra* note 94, at 513 (citing "psychologically positive" aspects of living in the United States).

173. Interview #49 at 9.

174. Heike C. Alberts & Helen D. Hazen, 'There are Always Two Voices . . .': *International Students' Intentions to Stay in the United States or Return to Their Home Countries*, 43 INT'L MIGRATION 131, 138 (2005).

Nevertheless, for some LL.M.s, premeditation is an apt description. Consider, for example, Malika, who had studied law in Pakistan and entered the LL.M. program at an Elite school in the United States in 1999. Even before she began the LL.M. program, she was intent on staying in the United States to work:

[B]efore I came here I told my mom I'm going to try and get a job there. I mean it was just an idea. I had no idea how I was going to go about it. My thinking was that I would probably work here for a couple of years and then go back. . . . I didn't think too much about it. It was just, okay, I'm here and I will try and get a job and see what happens. . . . [I]t wasn't like I came and I'm never going back again. The thing is I still go back to Pakistan. I go back every year for a month. I take up all my holiday here to go home. So it's not like I hate Pakistan. I love going back. I wouldn't live without being able to see Pakistan at least once a year. . . . I just knew going back just after one year would be really hard for me. I mean, being exposed to this world and having to go back and start living that old life again. I knew it would be very tough. As soon as I started [the LL.M. program], I sort of realized that I really, really, really don't want to go back.<sup>175</sup>

Nor is this sort of intentional planning limited to students from countries in which professional opportunities are restricted. A student from Belgium recalled that his initial decision to stay in the United States was made just after he arrived:

I always remember . . . my first day . . . . I arrived quite late at night, and then in the morning, because of the jet lag, I woke up very early. And . . . I saw the sun going up and people jogging . . . , and I said to myself, "Okay, I'm going to stay here for the rest of my life."<sup>176</sup>

An LL.M. who earned her first degree in Sweden also found herself thinking of staying immediately after she arrived. She recalled, "[T]he day after I arrived . . . I decided I would move here."<sup>177</sup> For each of these individuals, the decision to remain in the United States ultimately proved more complex, involving motives of avoiding returning home based on both personal and professional considerations.

These sorts of personal factors may seem out of place. Law is a professional field, where education feeds into careers and the stakes are high. Many assume that the motivations for international LL.M.s to stay in the United States must be driven primarily by professional concerns. In fact, it was extremely unusual for a U.S.-based LL.M. to recount their career history without also describing the family and personal ties that kept them in the United States or prevented them from returning home. This makes sense in light of the significant hurdles that law schools, regulators, employers, and immigration policies throw in their paths. To persevere requires determination that may not spring from professional ambition alone.

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175. Interview #66, *supra* note 53, at 7.

176. Interview #49, *supra* note 173, at 11.

177. Interview #64, *supra* note 59, at 3.

In describing the career paths of international LL.M.s, language often suggests linearity: the LL.M. graduate decides to remain in the United States upon graduation, finds a job, and continues to work here. While for some this may be an accurate portrayal, for others location requires multiple negotiations. Forces that pull international graduates back to their home countries may amount to temporary deviations, or they may provide the basis for unanticipated paths in different directions.<sup>178</sup>

### CONCLUSION

U.S. law schools have been attracting international students from many different countries for their LL.M. programs; the research reported in this Article, for example, included international LL.M.s from sixty-eight different birth countries. Both law schools and their international students prize this diversity. But the U.S. legal profession has not yet opened its arms to welcome such a diverse group into its membership. Instead, the United States as a site for career development is most accessible to international students from ESCL countries, whose language and background allow them to blend in with as little notice of their “foreignness” as possible. An ESCL background also predicts attendance at an Elite U.S. law school for the LL.M. The rules of the game for LL.M.s, however, are different than for J.D.s with regard to the role of law school prestige, as captured by *U.S. News* ranking. This is neither determinative of long-term access to the United States nor to access to a prestigious job practicing with an internationally related law firm in the United States.

While U.S. law schools actively recruit international LL.M. students from diverse countries, they have not supported their efforts to stay. Rather, the schools intentionally have ignored the reality that many wish to stay in the United States for some period following graduation, satisfied that their studied ambivalence suited the position of law firms and other potential employers in the United States, as well as U.S. (federal and state) regulators and policy makers.

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178. One graduate joked that in order to get a position in his firm’s New York office, “I had to kill two or three other people to make the position available.” Interview #49, *supra* note 173, at 19. For another who initially had returned to the Netherlands, his home country, after completing military service, he decided he would rather work in a major financial center. He described his thinking as preferring to “be in the driver’s seat” on transactions rather than serving as local counsel:

One of the things work-wise that I noticed was that often Dutch lawyers that work in a Dutch firm get hired to be local counsel on big transactions. The problem there is that you’re not in the driver’s seat. It can of course be very interesting because you are really continuously practicing comparative law, because you ask these questions from common law perspective and you have to make it work in your civil law jurisdiction. So in a way, that’s academically, it can be very interesting. On the other hand, it is very frustrating because nobody really wants you to explore those differences, because the American lawyers on the deal just want you to make it work and nobody wants to understand why it’s different or why they can’t do it exactly the same way that they do it over here.

Interview #48, *supra* note 58, at 6.

It is difficult to imagine that this status quo can be maintained indefinitely. The competition for international law students has heightened in the last decade as globalization increasingly has touched legal practice and the role of lawyers in many nations. Universities and the profession in a variety of ESCL countries, including Australia, New Zealand, South Africa, Canada, and England, have noted the demand for international legal education and increased their attention to this market by offering access at reduced cost.<sup>179</sup> In addition, new models of competition are developing, such as the Peking School of Transnational Law, a new law school situated in China and modeled along the lines of U.S. legal education that attempts to export the U.S. educational experience without the cost or inconvenience of travel and relocation.<sup>180</sup> If the value of U.S. legal education for international students is limited solely to the law school experience, then the China export model surely will be the path followed by others. International students want more, of course; they want the experience of U.S. culture, interaction with U.S. faculty and students, and meaningful opportunities to gain practical experience in the United States. To achieve this, additional work is required by U.S. law schools and the other participants in the U.S. legal services market.

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179. LL.M. programs in Canada, New Zealand, South Africa, England, and Australia compete with U.S. law school programs. See Randi Chapnik Myers, *Around the World in 365 Days: The Faculty of Law Launches a Unique, Executive-Style Master of Laws Focused on Global Business*, U. TORONTO FAC. L., [http://www.law.utoronto.ca/prosp\\_stdn\\_content.asp?itemPath=3/7/2/5/8&contentId=2115](http://www.law.utoronto.ca/prosp_stdn_content.asp?itemPath=3/7/2/5/8&contentId=2115) (last visited Apr. 21, 2012); *Our Faculty*, U. AUCKLAND FAC. L., <http://www.law.auckland.ac.nz/uoa/home/about/our-faculty#> (last visited Apr. 21, 2012) (“In recent years there has been considerable growth at postgraduate level, with an even larger range of LL.M. courses for its own graduates, international students and the local profession.”); *Stellenbosch University to Launch Two New LL.M. Course Modules*, LL.MSTUDIO.COM (May 21, 2008), <http://www.llm-guide.com/article/290/stellenbosch-university-to-launch-two-new-llm-course-modules> (“The Faculty of Law at the University of Stellenbosch in Stellenbosch, South Africa has announced that it will introduce two new modules—Corporate Acquisitions and Selected Issues in Labour Law and Social Security Law—available to students enrolled in their LL.M. programs beginning in February 2009.”); U. OXFORD, UNIVERSITY OF OXFORD MSc IN LAW AND FINANCE 2012–13 E-BROCHURE 41, available at <http://www.law.ox.ac.uk/mlf/ebrochure/ebrochure.html> (“We are looking for applicants from all over the world with a background in law and a desire to understand the theory of finance and advanced legal topics in financial law, and to learn how to deploy these together in practice.”); *Welcome from the Dean*, U. N.S.W. L., <http://www.law.unsw.edu.au/sites/law.unsw.edu.au/files/ebooks/pg/html/index.html#/3/zoo> med (last visited Apr. 21, 2012) (boasting “over 20 postgraduate programs” and addressing student diversity head on: “A key feature of the UNSW study experience is the opportunity to engage, network and learn from our fellow students and teachers—a more diverse student cohort will only enhance this experience.”). See generally Richa Kachhwaha, *Foreign LL.M.: To Be or Not to Be*, B. & BENCH (Jan. 24, 2012), <http://barandbench.com/brief/3/1995/foreign-llm-to-be-or-not-to-be> (“The world of LL.M. programs is staggering with more and more law schools in an increasing number of countries offering the degree. The process of deciding where to study is tricky and critical.”); see also Goldhaber, *supra* note 23 (“Jeanne Tai, who directs graduate admissions at Harvard Law School, attributes most of the decline [in 2001–2003] to a drop in Asian applications, which coincided with the growth of alternative programs in China and Australia.”).

180. The Peking School of Transnational Law is the prime example. See Andy Guess, *An American Law School in China*, INSIDE HIGHER ED (May 22, 2008, 4:00 AM), <http://insidehighered.com/news/2008/05/22/china>.

What next steps might U.S. institutional participants take in order to keep their lead and deepen the opportunities available to international law students? It often is useful to start on a path to change by looking within. U.S. law schools might do this by studying the career trajectories of their international students. There are two reasons such studies might prove useful. First, learning more about their students' careers would help the schools think through the value of the LL.M. experience.<sup>181</sup> While my own research as well as that of others<sup>182</sup> offers some insight into this issue of value, there may be substantial variation relating to differences in law school programs, student populations, and other matters.

A second reason that U.S. law schools should consider studying the careers of their LL.M. graduates is that it would rekindle relationships between the school and its international graduates, which, in turn, would facilitate the development of international networks to connect students, faculty, and staff. Informal networks have helped international students find work in the United States and elsewhere,<sup>183</sup> and they are a source of international LL.M. applicants for U.S. law schools. Law schools surely can do more to facilitate these sorts of relationships. Being deliberate in the effort to study and build connections not only will lead to more support for international students, but also will send a message that U.S. law schools are making a serious and long-term investment in the futures of these students.

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181. Most law school alumni surveys exclude international LL.M.s. *But see Survey of Georgetown Law Graduates* (on file with author). International LL.M. graduates were included in the alumni group that Georgetown surveyed. In contrast, the *After the JD* project was limited to J.D. graduates. *See supra* note 24.

182. In addition to my research, see generally Ballakrishnen, *supra* note 9; Mindie Lazarus-Black & Julie Globokar, *Making an International Lawyer: The Genealogy of a New Expertise* (unpublished paper presented at the Law & Society Association meeting in Chicago, May 26–30, 2010) (on file with author); Mindie Lazarus-Black & Julie Globokar, *Journey to the U.S.: Foreign Lawyers in American LL.M. Programs* (unpublished paper presented at the Law & Society Association meeting in Denver, May 28–31, 2009) (on file with author); Mindie Lazarus-Black, *The Education of Feng, Dan, Matt, and Natalia: Foreign LL.M. Students as Liminal Subjects* (unpublished paper presented at the American Anthropological Association, Nov. 16–20, 2011) (on file with author).

183. The story of Marc, a Dutch LL.M. from an Elite school, who returned to the Netherlands immediately after graduating, is instructive. After working at home for several years, Marc decided to look for work in the United States for professional reasons. His path to the United States began as

a huge due diligence mission as a good corporate lawyer. I called on my LL.M. friends . . . . I had the advantage though that my LL.M. friends had tried this before, three years before [when they graduated from the LL.M.]. So I could piggyback on their experience. A friend of mine was by then [an] associate at [Firm X] and he told me that at [his firm] they never really hire LL.M.s as regular associates, what you could do is get hired for their [foreign] associate program and if it really works out then you can stay as a regular associate. Each firm seems to have its own strategy . . . . A lot of [my LL.M. classmates] . . . had worked [in the U.S.] for a year and then gone back. There were others who had tried to get a job but had not succeeded. But that is also relevant information. So I just called everybody to get every tidbit of information that could be useful.

Interview #48, *supra* note 58, at 8; *see also supra* note 146.

In light of the reality that many international students want to stay in the United States for some period of time after graduating, helping them construct career paths that include a U.S. option is crucial. To date, most law schools have not considered a U.S. option viable. But the research reported here makes clear that working in the United States is a reality for many. Given the complexities of contemporary families and the significance of personal and family influences in the stories of many LL.M.s who stayed in the United States, recognition of a U.S. option seems beyond argument. There are many ways that law schools can participate in the development of career opportunities. Perhaps the most important is to become advocates for their international students. This includes taking on the challenge of discussing international students' careers with potential employers. Such discussions surely will be instructive for law schools with respect to the qualities and credentials valued by employers, and also may help employers think more creatively about the benefits of engaging with international law students.

Finally, addressing the relationship between degree programs to clarify, if not facilitate, the path from LL.M. to J.D. will be useful.<sup>184</sup> To the extent that the LL.M. degree program is the source of difficulty for international students who are intent upon staying in the United States, understanding the characteristics and experiences of successful international J.D. students will be helpful.

These issues implicate policies beyond the control of a single law school, and offer an opportunity to develop connections with other participants in the legal profession and beyond whose interests intersect in the solutions. In this way, globalization may become an asset that helps law schools challenge the status quo by forging new alliances and developing new knowledge. This responds to the nature of globalization, allowing for more direct interaction among actors in a variety of locations, industries, and markets. In order to stay on top, U.S. law schools must help others recognize that the opportunity to remain in the United States is an essential ingredient of an increasingly global profession.

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184. See, e.g., *J.D. with Advanced Standing*, U. ARIZ. JAMES E. ROGERS C. L., <http://www.law.arizona.edu/jdastracks/> (last visited Apr. 21, 2012) ("The two-year JDAS is designed primarily for persons who have received their first (university level) law degree from a university outside the United States. We anticipate that many of our candidates will be foreign law graduates who are currently residing in the United States but are not authorized to practice state law because they lack a J.D. degree and thus cannot currently sit for the bar. There may be other foreign law graduates who believe the J.D. curriculum is their best route to a successful legal career. *The primary benefit for these candidates is that as J.D. graduates of the University of Arizona, they will be permitted to sit for the bar in all 50 U.S. states and the District of Columbia . . . .* For foreign lawyers with both a first law degree in their home country and a successfully completed LL.M. degree from an ABA accredited law school, up to 17 units may be credited from a U.S. LL.M. degree program—based on an individual evaluation of grades and courses—toward the J.D. degree at the Rogers College of Law, *in addition to* the units credited from the first law degree. In other words, a lawyer with both a first law degree and a U.S. LL.M. degree, who is accepted into the JDAS program, could complete the requirements for the J.D. degree at the Rogers College of Law in three semesters of full-time study.").

*Appendix 1: Birth Country for All Respondents*

(\* Indicates fewer than 3 respondents)

Birth Country	Number	Percent
Albania	*	0.6
Argentina	22	6.1
Australia	4	1.1
Austria	4	1.1
Belgium	7	1.9
Botswana	*	0.3
Brazil	24	6.7
Canada	11	3.1
Chile	7	1.9
China	8	2.2
Costa Rica	*	0.3
Czech Republic	*	0.6
Denmark	4	1.1
Dominican Republic	*	0.3
Ecuador	*	0.3
England	5	1.4
Estonia	*	0.3
Ethiopia	*	0.6
Fiji	*	0.3
France	15	4.2
Georgia	4	1.1
Germany	36	10.0
Greece	5	1.4
Guatemala	*	0.6
Hungary	3	0.8
India	7	1.9
Indonesia	6	1.7
Iran	*	0.6
Ireland	*	0.3
Israel	6	1.7
Italy	11	3.1
Japan	23	6.4
Kazakhstan	*	0.3
Kenya	*	0.3
Korea	12	3.3
Lebanon	*	0.6
Malawi	*	0.3
Malaysia	*	0.6
Mexico	10	2.8
The Netherlands	6	1.7
New Zealand	*	0.3



Nicaragua	*	0.3
Nigeria	4	1.1
Pakistan	*	0.3
Panama	3	0.8
Paraguay	*	0.3
Peru	*	0.3
Philippines	*	1.1
Portugal	4	0.3
Puerto Rico	*	0.6
Qatar	*	0.3
Romania	*	0.6
Russia	7	1.9
Scotland	*	0.6
Singapore	*	0.8
Slovakia	3	0.3
South Africa	*	0.3
Spain	7	1.9
Sweden	*	0.8
Switzerland	12	3.3
Taiwan	9	2.5
Tanzania	*	0.3
Thailand	7	1.9
Turkey	*	0.6
Ukraine	3	0.8
United States	7	1.9
Uruguay	*	0.3
Venezuela	6	1.7
Missing	*	0.6
Total	360	100.0

*Appendix 2: Current Location of Practice for All Respondents*  
 (\* Indicates fewer than 3 respondents)

Country	Number	Percent
Argentina	19	5.3
Australia	3	0.8
Austria	4	1.1
Belgium	8	2.2
Botswana	3	0.8
Brazil	19	5.3
Canada	5	1.4
Chile	7	1.9
China	4	1.1
Denmark	4	1.1
Dominican Republic	*	0.3
Ecuador	*	0.3
England	9	2.5
Estonia	*	0.3
France	9	2.5
Georgia	4	1.1
Germany	31	8.6
Greece	3	0.8
Guatemala	3	0.8
Hungary	*	0.3
Iceland	*	0.3
India	4	1.1
Indonesia	6	1.7
Ireland	*	0.3
Israel	7	1.9
Italy	12	3.3
Japan	24	6.7
Kazakhstan	*	0.3
Korea	11	3.1
Lebanon	*	0.6
Luxembourg	*	0.3
Malawi	*	0.3
Malaysia	*	0.3
Mexico	6	1.7
Nepal	*	0.3
The Netherlands	6	1.7
New Zealand	*	0.6
Nigeria	*	0.3
Panama	3	0.8
Peru	3	0.8
Philippines	*	0.6

Portugal	*	0.3
Puerto Rico	*	0.6
Qatar	*	0.3
Romania	3	0.8
Russia	*	0.6
Saudi Arabia	*	0.3
Singapore	3	0.8
Spain	6	1.7
Sweden	*	0.3
Switzerland	15	4.2
Taiwan	6	1.7
Thailand	7	1.9
United States	66	18.3
Venezuela	4	1.1
Missing	7	1.9
Total	360	100.0